

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD BANKS, JUDY BANKS,	:	CIVIL ACTION
ROGER McCARREN and LARRY MEYER	:	
	:	
Plaintiffs	:	
	:	
v.	:	NO. 3:08-cv-1110
	:	
KAREN GALLAGHER, ANTHONY MARIANO,	:	
WILLIAM STADNITSKI and DICKSON	:	
CITY BOROUGH	:	
	:	
Defendants	:	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO  
RESPOND OR OTHERWISE PLEAD TO PLAINTIFFS' COMPLAINT**

Defendants, Karen Gallagher, Anthony Mariano, William Stadnitski and Dickson City Borough, by and through their attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, file this Motion seeking an Extension of Time until August 4, 2008 to file an Answer to plaintiff's Complaint and in support thereof avers as follows:

1. On June 11, 2008, plaintiffs filed their Complaint against defendants, Karen Gallagher, Anthony Mariano, William Stadnitski, and Dickson City Borough.
2. On June 13, 2008 plaintiffs served defendants with their Complaint.
3. On July 1, 2008 counsel entered their appearance on behalf of all defendants.
4. The defendant Borough is a governmental entity and the individual defendants are police officers on various shifts and could require additional time to conduct his investigation with all the defendants to prepare their answers.
5. On July 7, 2008 counsel for plaintiffs and defendants agreed to permit defendants to respond or otherwise plead to plaintiff's complaint by August 4, 2008

7. Pursuant to F.R.C.P. 6(b), [W]hen...an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.... (See F.R.C.P. 6(b)(1)).

8. Pursuant to F.R.C.P. 6(b), the court for cause shown may at any time in its discretion (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.... (See F.R.C.P. 6(b)(2)).

9. Pursuant to Local Rule 7.1 of the United States District Court for the Middle District of Pennsylvania, "all motions filed prior to trial must be written. . . ."

10. Defendants respectfully seek leave of court to file a response or otherwise plead to plaintiffs' Complaint based upon counsel's prior agreement and pursuant to L.R. 7.1.

WHEREFORE, defendants respectfully requests this honorable Court grant its Motion for Leave of Court to File their Response or Otherwise Plead.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

By: /s/Louis J. Isaacsohn  
Louis J. Isaacsohn, Esquire  
Attorney for Defendants  
Karen Gallagher, Anthony Mariano,  
William Stadnitski and Dickson City Borough

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CITY BOROUGH	:	
	:	
Defendants	:	

**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR EXTENSION  
OF TIME TO RESPOND OR OTHERWISE PLEAD TO PLAINTIFFS' COMPLAINT**

Defendants, Karen Gallagher, Anthony Mariano, William Stadnitski and Dickson City Borough, by and through their attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, incorporate and rely upon its motion papers and for purposes of brevity, upon F.R.C.P. 6(b), and respectfully request this honorable Court to allow defendants leave to respond or otherwise plead to plaintiffs' Complaint based upon reasons previously set forth in its motion.

WHEREFORE, defendants respectfully requests this honorable Court grant its Motion for Leave of Court to File a Response or Otherwise Plead to Plaintiffs' Complaint Pursuant to F.R.C.P. 6(b).

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

By: /s/Louis J. Isaacsohn  
Louis J. Isaacsohn, Esquire  
Attorney for Defendants  
Karen Gallagher, Anthony Mariano,  
William Stadnitski and Dickson City Borough

CERTIFICATE OF SERVICE

Louis J. Isaacsohn, Esquire, attorney for Defendants, Karen Gallagher, Anthony Mariano, William Stadnitski and Dickson City Borough, certifies that on July 9, 2008, he sent by United States Mail, First Class, Postage Prepaid, a true and correct copy of the foregoing Motion for Extension of Time to Respond or Otherwise Plead to Plaintiffs' Complaint and supporting Memorandum of Law to the following counsel or record:

Robert J. Magee, Esquire  
Worth, Magee & Fisher, P.C.  
55 Broadway  
Jim Thorpe, PA 18229  
*Attorney for Plaintiffs*

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

By: /s/Louis J. Isaacsohn  
Louis J. Isaacsohn, Esquire  
Attorney for Defendants  
Karen Gallagher, Anthony Mariano,  
William Stadnitski and Dickson City Borough