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U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>LORETTO O'REILLY, JR., ET AL</b>	)	
	)	
<b>Plaintiffs</b>	)	<b>CIVIL ACTION NO: 04-0940</b>
	)	
<b>versus</b>	)	<b>SECTION: "A"</b>
	)	
<b>UNITED STATES ARMY CORPS OF ENGINEERS</b>	)	<b>MAGISTRATE: (5)</b>
	)	
<b>Defendant</b>	)	
	)	

**UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE  
RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION**

**NOW INTO COURT**, through the undersigned Assistant United States Attorney, comes defendant, the United States of America, and, upon suggesting to the Court that:

1. Plaintiffs filed their Complaint in the captioned action on April 2, 2004 and, shortly thereafter, on May 4, 2004, filed their Motion for Preliminary Injunction;
2. Accompanying plaintiffs' Motion for Preliminary Injunction, a copy of which was mailed by overnight mail to the United States Attorney, was a notice of hearing setting the hearing for June 2, 2004, and a request for oral argument on June 2, 2004;

DATE OF ENTRY  
JUN 14 2004

Fee	_____
Process	_____ <i>[Signature]</i>
X Dktd	_____ <i>[Signature]</i>
✓ CtRmDep	_____ <i>[Signature]</i>
Doc. No.	_____ <i>[Signature]</i>

3. Prior to the United States answering the lawsuit or responding to the Motion for Preliminary Injunction, the Court granted plaintiffs' unopposed request to reschedule oral argument on their Motion for Preliminary Injunction to June 30, 2004;
4. Although the United States' Washington D.C. counsel was aware, through conversation with plaintiffs' counsel, that the hearing on plaintiffs' Motion for Preliminary Injunction had been rescheduled to June 30, 2004, counsel for the United States was unaware that the Court had ordered the Government's response to plaintiffs' motion be filed no later than June 11, 2004;
5. Further, because the United States had not yet made an appearance in the matter, the minute entry entered by the Court on May 12, 2004, ordering the United States to file its response by June 11, 2004, was only sent to counsel for plaintiffs and not to the United States;
6. Relying on Local Rule 7.5E, counsel for the United States reasonably believed that its response to plaintiffs' Motion for Preliminary Injunction was due no later than the eighth calendar day prior to the hearing date or by June 22, 2004;
7. Counsel for the United States only learned of the existence of the Court's May 12, 2004 minute entry on June 10, 2004, when she was fortuitously reviewing the docket sheet in the captioned matter on PACER;
8. Immediately upon learning of the Court's minute entry and the attendant order regarding the due date for the United States' response to plaintiffs' motion, counsel for the United States contacted counsel for plaintiffs and obtained plaintiffs' counsel's consent to request from the Court an extension until June 22, 2004 (the due date for its response under which the United States had been erroneously operating) to file its response to plaintiffs' Motion for Preliminary Injunction;

**AND, THEREFORE**, the United States respectfully requests that this Court grant its unopposed motion to extend its deadline to respond to plaintiffs' Motion for Preliminary Hearing until June 22, 2004.

Respectfully submitted,  
THOMAS L. SANSONETTI  
Assistant Attorney General  
United States Department of Justice

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JIM LETTEN  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Sharon D. Smith', written over a horizontal line.

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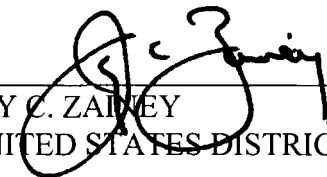
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	)	
UNITED STATES ARMY CORPS	)	<b>MAGISTRATE: (5)</b>
OF ENGINEERS	)	
	)	
<b>Defendant</b>	)	
	)	

ORDER

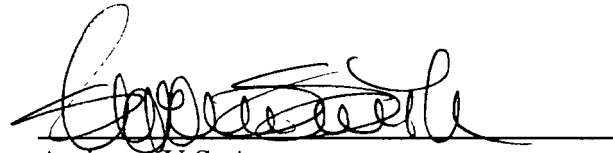
CONSIDERING THE MOTION of the United States to extend its deadline to respond to plaintiffs' Motion for Preliminary Injunction, IT IS ORDERED that the motion be and is hereby granted, extending the United States' deadline to file its response to plaintiffs' Motion for Preliminary Injunction until June 22, 2004.

New Orleans, Louisiana, this 14<sup>th</sup> day of June, 2004.

  
 \_\_\_\_\_  
 JAY C. ZAMEY  
 UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon counsel for all parties by mailing the same to each, properly addressed and postage prepaid this 10<sup>th</sup> day of June, 2004.

  
Assistant U.S. Attorney