

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BERNARD VON NOTHAUS, individually)	
and d/b/a LIBERTY DOLLAR)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:07-cv-038-RLY-WGH
)	
HENRY M. PAULSON, JR,)	
Secretary of the Treasury,)	
)	
ALBERTO R. GONZALES, Attorney General)	
of the United States,)	
)	
EDMOND C. MOY, Director, United States)	
Mint,)	
)	
Defendants.)	

MOTION FOR ENLARGEMENT OF TIME TO ANSWER

Defendants, Henry M. Paulson, Jr., Secretary of the Treasury, Alberto R. Gonzales, Attorney General of the United States, and Edmond C. Moy, Director, United States Mint (jointly “the Defendants”), by counsel, Susan W. Brooks, United States Attorney, and Debra G. Richards, Assistant United States Attorney, respectfully moves this Court for an enlargement of time in which to answer or otherwise plead to the Complaint. In support of this motion, the Defendants state:

1. Bernard Von Nothaus, individually and d/b/a Liberty Dollar filed his Plaintiff’s Complaint in this action on March 30, 2007. (Docket No. 1.)
2. On May 11, 2007, the Defendants filed their Notice of Initial Enlargement of Time to Answer, or Otherwise Plead, requesting an extension until June 19, 2007, pursuant to S.D. Ind. L.R. 6.1. (Docket No. 16.)

3. However, due to the brief pendency of this action, counsel for the Defendants has been unable to fully investigate the allegations and to confer completely with her clients regarding an appropriate answer or other response to the Complaint.

4. In addition to not being able to confer adequately with all three Defendants, counsel for the Defendants has been out of the state extensively throughout the months of May and June 2007 on various case related matters.

5. Specifically, counsel for the Defendants has been out of state from April 29, 2007, through May 4, 2007, on a previously scheduled trip to assist the United States Attorney's Office in the Southern District of Georgia.

6. Counsel for Defendants has also been out of the state extensively from May 8-11, 2007, May 29-June 8, 2007, and June 12-14, 2007, on previously scheduled depositions in *Kibort v. Snow*, Cause No. 06-201-GPM, presently pending in the District Court in the Southern District of Illinois.

7. The undersigned is also currently preparing a motion for summary judgment in *Kibort v. Snow*, that is due to be filed in the district court on or before June 22, 2007.

8. In addition, the undersigned will be out of the office from July 3, 2007, through July 11, 2007, on a pre-approved leave that cannot be rescheduled.

9. Accordingly, an enlargement of time is required in which to answer or otherwise plead to the Complaint is necessary to appropriately respond to the allegations raised in the Plaintiff's Complaint.

10. This motion is not made for any purpose of delay, but only for the reasons that the enlargement is required to prepare an appropriate answer or pleading in response to the

Plaintiff's Complaint.

11. Counsel for the Defendants has telephoned and left messages concerning this motion for both James Johnson and James Burk, attorneys for Plaintiff. Mr. Johnson returned the undersigned counsel's telephone call and left a message stating that his client objects to the extension.

For these reasons, the Defendants respectfully request an enlargement of time of thirty days to answer or otherwise plead to the Plaintiff's Complaint in this action, to and including July 19, 2007.

Respectfully submitted,

SUSAN W. BROOKS
United States Attorney

By: s/ Debra G. Richards
Debra G. Richards
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Appearance upon the parties herein through electronic notification or by mailing a copy to the Counsel of Record at the address listed below, this 19th day of June, 2007.

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