

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

**BERNARD VON NOTHAUS individually
and d/b/a LIBERTY DOLLAR**

Plaintiff,

v.

**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.

§
§
§
§
§
§ **CASE NO.:**
§ **3:07-CV-038-RLY/WGH**

§
§
§
§
§
§
§
§
§
§
§

**PLAINTIFF’S, BERNARD VON NOTHAUS INDIVIDUALLY
AND D/B/A LIBERTY DOLLAR, OBJECTION TO DEFENDANTS’
SECOND ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Comes now the plaintiff, Bernard Von Nothaus individually and d/b/a Liberty Dollar (hereinafter “Plaintiff” or “von Nothaus”), by counsel, Rudolph, Fine, Porter & Johnson, LLP, and for his objection to Defendants’, Henry M. Paulson, Jr., Alberto R. Gonzales and Edmond C. Moy (hereinafter collectively referred to as “Defendants”), Second Enlargement of Time to Respond to Complaint states as follows:

1. Plaintiff filed his Complaint against the Defendants on March 20, 2007.
2. Service was perfected on all Defendants by March 26, 2007.
3. Defendants response to Plaintiff’s Complaint was due on May 25, 2007.

4. On May 11, 2007, Defendants moved the Court for an Initial Enlargement of Time up to and including June 19, 2007 of which the Plaintiff's counsel had no objection.
5. On June 19, 2007, Defendants' counsel filed their Second Motion for Enlargement of Time requesting an additional 30 days to respond to Plaintiff's Complaint.
6. As of this date, eighty-five (85) days have passed since service was perfected on Defendants.
7. Defendants have had more than sufficient time to respond to the Complaint.
8. The Court will note in paragraphs 15 and 16 of Plaintiff's Complaint that the Plaintiff alleges the Defendants' actions have had a "chilling effect" on Plaintiff.
9. Pursuant to Federal Rule of Civil Procedure 57, the Court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.
10. Continued delays by the Defendants harm and/or prejudice the Plaintiff.
Therefore, Plaintiff objects to any further extensions of Defendants.

WHEREFORE, plaintiff, von NotHaus, moves this Court to deny the Defendants' Second Motion for Enlargement of Time requesting their response to Plaintiff's Complaint be filed instantaneously.

/s/ James D. Johnson, Esq.

James D. Johnson, Esq.

Attorney Number 11984-49

**RUDOLPH, FINE, PORTER & JOHNSON,
L.L.P.**

221 N. W. Fifth Street, Second Floor, P. O. Box
1507

Evansville, Indiana 47708

Telephone:(812) 422-9444

Facsimile: (812) 421-7459

E-Mail: jdj@rfpj.com

Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 2007, a copy of the forgoing **Plaintiff's Objection to Defendants Second Motion for Enlargement of Time** was filed electronically. Notice of this filing will be sent to the following parties by United States First Class Mail:

Debra G. Richards, Esq.

Assistant United States Attorney

Office of the United States Attorney for the Southern District of Indiana

10 W. Market Street, Ste. 2100

Indianapolis, Indiana 46204

/s/ James D. Johnson, Esq.

James D. Johnson