

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**

JEFF HULBERT, et al

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Plaintiffs

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v.

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Case No. 1:18-cv-00461-GLR

SGT. BRIAN T. POPE, et al

*

Defendants

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**MOTION FOR EXTENSION OF TIME OF DEFENDANTS
TO FILE RESPONSIVE PLEADING**

NOW COMES the Defendants, Sgt. Brian T. Pope and Colonel Michael Wilson, by Brian E. Frosh, Attorney General of Maryland, and Robert A. McFarland, Assistant Attorney General, and requests that the deadline for the Defendants to file a responsive pleading be extended for a period of time not to exceed 30 days. The reasons for the request are as follows:

1. This case was filed on February 14, 2018 and summons and complaint were served by certified mail upon the Defendants on February 16, 2018. The deadline to file a responsive pleading pursuant to FRCP 12(a)(1)(A) is March 9, 2018.
2. The Defendants are members of the Maryland Capitol Police, a division of the Maryland Department of General Services (hereinafter referred to as "MCP"); Sergeant Brian Pope is a non-commissioned officer in MCP with the regular law enforcement responsibilities of a police officer; Colonel Michael Wilson is the commander and head of unit of the entire MCP division with numerous administrative responsibilities that require him to oftentimes be away from division headquarters.

3. The undersigned counsel, after being assigned this case, has sought to gather information and interview the Defendants concerning the claims made in the Complaint in order to evaluate whether the Office of Attorney General (hereinafter, the "OAG") may represent either or both of the Defendants and then, if this Office represents them, to prepare and file an appropriate response with the Court.

4. The Defendants were delayed in obtaining and delivering documents and other information necessary to evaluate the case and to meet with the undersigned counsel until March 7, 2018.

5. That for the foregoing reasons, the undersigned counsel has not had an opportunity to review this case and evaluate and determine whether the OAG may represent either or both of the Defendants. Further, the additional time will be necessary to determine what appropriate response should be made and prepare the appropriate pleading for filing with this Court. Additional information may be needed from the Defendants or from MCP.

6. It is anticipated that the determination whether the OAG will represent the Defendants will be completed within the next several days and then an additional three to four weeks to allow time either to allow the Defendants time to obtain counsel if the OAG cannot represent them, or, if the OAG does represent the Defendants, to prepare and file a responsive pleading with this Court.

7. It is not anticipated that the granting of an extension would adversely affect the case management of this case and may actually afford the opportunity for the Defendants to streamline the management of this case going forward.

8. The undersigned attorney sought in good faith the consent of opposing counsel by calling Cary Hansel at the Law Office of Cary J. Hansel, P.C. at (301)461-1040 on March 7,

2018 at approximately 11:55 AM. After being advised that he was not available, I left a telephone message with the receptionist that I was requesting a consent to the filing of a motion to extend the time to file a responsive pleading and to otherwise discuss the case with him. No return call or email from that office has been received by the undersigned attorney as of the filing of this motion.

WHEREFORE, the Defendants pray that this Court grant an extension of time to file a responsive pleading to the Complaint for a period of no more than 30 days.

Respectfully submitted,

BRIAN E. FROSH, Attorney General of
Maryland

/s/

Robert A. McFarland, Assistant Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2018, a copy of this Motion was served by the Court's electronic case filing system pursuant to FRCP 5(d)(3) and Local Rule 102.1(c) and (d) to Cary Johnson Hansel, III, Esquire; Erienne Sutherell, Esquire; and Justin Stefanson, Esquire, attorneys for the Plaintiffs.

/s/

Robert A. McFarland, Esquire