

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**STANDING ORDER REGARDING
MOTIONS FOR EXTENSIONS OF TIME**

MOTIONS FOR EXTENSION OF TIME TO ANSWER

The Court has seen an increasing number of unopposed motions for extensions of time to file answers in cases. These extensions often cause cases to languish on the Court's docket for months and months before ever proceeding to scheduling conference.¹ Indeed, the Court is routinely seeing cases sit on its docket for up to nine months after filing before all parties have answered or otherwise appeared in a case.

The Court seeks to efficiently resolve cases and get cases to trial as soon as possible. To further this goal, the Court hereby **ORDERS** that Defendants in every case shall first use the procedure set in place by Local Rule CV-12 regarding filing an Application for Extension of Time to Answer with the Clerk's office rather than filing a Motion for Extension to Time:

LOCAL RULE CV-12 Filing of Answers and Defenses

An attorney may, by motion, request that the deadline be extended for a defendant to answer the complaint or file a motion under Fed. R. Civ. P. 12(b). **Unless otherwise ordered by the court, where the requested extension: (1) is not opposed; and (2) is not more than thirty days and does not result in an overall extension of the defendant's deadline exceeding forty-five days, the request shall be by application to the clerk, not motion.** The application shall be acted upon with dispatch by the clerk on the court's behalf, and the deadline to answer or otherwise respond is stayed pending action by the clerk.

The Court further **ORDERS** that no additional extensions of time will be granted after a party

¹ The initial scheduling/status conference is what ultimately sets the trial date and starts the case moving forward.

exhausts the forty-five day deadline absent a showing of good cause.*

MOTIONS FOR EXTENSIONS OF TIME TO FILE RESPONSES/REPLIES

The Court has also seen an increase in unopposed motions for extension of time to file responses and replies to various motions. Parties routinely agree to a two-month or more extension of time to file a response. These delays slow down case progress and, for the most part, are unnecessary. Thus, the Court **ORDERS** that no more motions for extension of time to file a response/reply/surreply shall be granted absent a showing of good cause.*

So ORDERED and SIGNED this 10th day of July, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE

* In both of these instances, the good cause requirement is not an onerous one, it merely requires a good faith showing and explanation of a party's need for the extension.