

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

STEWART D. NOZETTE, Ph.D. )  
)  
and )  
)  
ALLIANCE FOR COMPETITIVE )  
TECHNOLOGY, INC. )  
)  
Plaintiffs, )  
)  
v. )  
)  
NATIONAL AERONAUTICS AND )  
SPACE ADMINISTRATION/ )  
OFFICE OF INSPECTOR GENERAL, )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

C.A. No. : 06-MC-00171-JR

**PLAINTIFFS' CONSENT MOTION TO  
EXTEND TIME FOR FILING REPLY MEMORANDUM**

Pursuant to Fed. R. Civ. P. 6(b) and LCvR 7.1 (d), Plaintiffs Stewart D. Nozette, Ph.D. and Alliance for Competitive Technology, Inc., through undersigned counsel, hereby request an extension of time, through May 15, 2006, within which to file a reply memorandum in response to NASA's Opposition to Petitioner's Motion to Quash Administrative Subpoena *Duces Tecum* and for Protective Order. In support of this Motion, Plaintiffs state as follows:

**MEMORANDUM OF POINTS AND AUTHORITIES**

On April 13, 2006, Plaintiffs filed a Motion to Quash Administrative Subpoena *Duces Tecum* and for Protective Order. NASA filed its opposition to this motion on May 3, 2006. Pursuant to Fed. R. Civ. P. 6(a) and LCvR 7.1 (d), Plaintiffs' reply memorandum is due tomorrow, May 10, 2006.

There exists good cause for the requested extension of time: due to the press of business, including preparation a complex sentencing memorandum for filing yesterday, undersigned counsel has not been in a position to prepare a reply memorandum. Moreover, John Kiyonaga, Esq., of counsel to Plaintiffs in this matter, was recently appointed to serve as counsel in two death penalty-eligible matters in the Eastern District of Virginia and has been extensively engaged this past week in the preparing and managing various aspects of those cases.

There has not been any previous request for an extension of the briefing schedule in this matter. The requested three-business day extension will not affect any other court deadlines or dates.

Ryan P. Fayhee, Esq., one of the counsel for the United States in this matter, has consented to this Motion.

**WHEREFORE**, Plaintiffs Stewart D. Nozette, Ph.D. and Alliance for Competitive Technology, Inc. respectfully request that the Court grant this Motion and extend through May 15, 2006 the time for the filing of Plaintiffs' reply memorandum.. A proposed Order is attached.

Respectfully submitted,

KIYONAGA & SOLTIS, P.C.

/s/ Paul Y. Kiyonaga

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May 9, 2006

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C.A. No. : 06-MC-00171-JR

**ORDER GRANTING PLAINTIFFS' CONSENT MOTION FOR  
EXTENSION OF TIME TO FILE REPLY MEMORANDUM**

AND NOW on this \_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of Plaintiffs' Consent Motion for Extension of Time to File Reply Memorandum, and the lack of any opposition thereto, it is hereby

ORDERED and DECREED that the Motion is GRANTED; and

ORDERED and DECREED that Plaintiffs shall have until May 15, 2006 within which to file a reply memorandum in response to NASA's Opposition to Petitioner's Motion to Quash Administrative Subpoena *Duces Tecum* and for Protective Order.

\_\_\_\_\_  
Judge James Robertson  
United States District Court for the District of Columbia

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