UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

BRAINTREE LABORATORIES, INC.,

Plaintiff / Counter Defendant,

v.

Civil Action No. 3:13-cv-00389-TJC-MCR

GATOR PHARMACEUTICALS, INC.;
KVK-TECH, Inc.

Defendants / Counterclaimants.

PLAINTIFF/COUNTER DEFENDANT BRAINTREE LABORATORIES, INC.'S AGREED MOTION FOR EXTENSION OF TIME TO RESPOND TO COUNTERCLAIMS

Plaintiff/Counter Defendant, Braintree Laboratories, Inc. ("Braintree"), moves for entry of an order extending the time to respond to the counterclaims asserted by Defendants/Counterclaim Plaintiffs Gator Pharmaceuticals, Inc. ("Gator") and KVK-Tech, Inc. ("KVK") through November 12, 2013. Braintree states as follows in support of this agreed motion:

1. Gator and KVK filed their Answer and Counterclaims (Dkt. 17) on October 9, 2013.

2. Braintree's response to the counterclaims is currently due on November 4, 2013.

3. Braintree requests a short extension of time to evaluate and respond to the counterclaims and to complete consultations with its client about the response, in light of other engagements.

4. The requested extension will not delay this case or prejudice any party.

5. Braintree's counsel conferred with Gator and KVK's counsel by telephone on October 28, 2013. Gator and KVK's counsel agree to the requested extension.

MEMORANDUM OF LAW

Federal Rule of Civil Procedure 6(b)(1)(A) provides that: "When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires. . ." Fed. R. Civ. P. 6(b)(1)(A).

Accordingly, the Court has the discretion and authority to control its docket and grant extensions of time for the filing of pleadings for good cause. *See Id.*; *J.D. Pharm. Distrib., Inc. v. Save-On Drugs and Cosmetics Corp.*, 893 F.2d 1201, 1209 (11th Cir. 1990); *Verizon Trademark Svcs. LLC v. The Producers, Inc.*, Case No. 8:10-CV-665-T-33EAJ, 2010 WL 3368790, at *1 (M.D. Fla. Aug. 24, 2010).

As established above, good cause exists for, and no party will be prejudiced by, the requested extension.

RULE 3.01(g) CERTIFICATION

Braintree's counsel has conferred with Gator and KVK's counsel pursuant to Local Rule 3.01(g). Gator and KVK's counsel agree to the requested extension of time.

WHEREFORE, Braintree requests that the time to respond to Gator and KVK's counterclaims be extended through November 12, 2013, together with such further relief as the Court deems proper.

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Attorneys for Braintree Laboratories, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 31, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I also certify that the foregoing document is also being furnished to counsel of record as identified below, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing via the CM/ECF system:

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