

J. Morgan Philpot (144811)
morgan@jmphilpot.com
JM PHILPOT LAW, PLLC
620 E 100 N
Alpine, UT 84004
(801) 891-4499
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

D. JEANETTE FINICUM, et al.,

Case No. 2:18-CV-00160-SU

Plaintiffs,

MOTION TO EXTEND TIME TO AMEND
COMPLAINT (Pursuant to Doc. No. 180)

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Plaintiffs, by and through counsel, J. Morgan Philpot, and John M. Pierce (PHV Forthcoming) hereby file and serve this motion to extend time to amend the complaint pursuant to the Court's Opinion and Order of August 9, 2021. (Doc. 180).

CERTIFICATION: In compliance with LR 7-1, the parties made a good faith effort through e-mail communication to resolve this request and the state and county defendants cannot stipulate to the extension of time because they object to a delay.

OVERVIEW

On August 9, 2021, this Court entered its Opinion and Order. *Id.*

The Opinion and Order follows almost 3.5 years of case activity not including the other

cases, trials, people and circumstances that make up a much larger and longer saga of events.

Pursuant to the Opinion and Order, Plaintiffs were given until September 15, 2021 to amend the Complaint.

GOOD CAUSE

Federal Rules of Civil Procedure Rule 6(b) allows for an extension of time before the original time or its extension expires for good cause.

Recently, Ms. Finicum retained new counsel to assist her present counsel, Mr. Philpot in this matter. Prior to Mr. Pierce being able to get up to speed on the case and to begin the process of amending the complaint, he was hospitalized on August 30, 2021. Mr. Pierce was held in the hospital for 12 days due to his illness and did not return to work until Sept 7, 2021. Though Mr. Pierce has returned, the doctors have placed him on a limited return and prescribed a prohibition against Mr. Pierce resuming full time work until Monday Sept 13, 2021. (See attached noticed filed in Mr. Pierce's cases in DC). Mr. Pierce has still not had the time to review the file in its entirety or to begin in the process of amending the complaint.

On September 2, 2021, Mr. Philpot's wife was admitted to the hospital for debilitating pain and an emergency surgery. He is the father of five young children and has been caring for his wife and children for the last week after her surgery. As a result, Mr. Philpot has been unable to complete the amendment of the complaint.

This small extension of time would cause no prejudice to the Defendants, but its denial would cause significant prejudice to the Plaintiffs.

CONCLUSION

For the reasons argued above, the Plaintiffs' motion should be granted, and Plaintiffs'

newly amended complaint should now be due on October 15, 2021.

DATED: September 7, 2021.

/s/ J. Morgan Philpot
J. Morgan Philpot, OSB #144811
Attorney for Plaintiffs

/s/ John M. Pierce
John M. Pierce (PHV Forthcoming)
Pierce Bainbridge P.C.