

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

ASHLEY COX, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 3:21-cv-253-HEH
	)	
ELLEN MARIE HESS, in her official	)	
capacity as Commissioner of the Virginia	)	
Employment Commission,	)	
	)	
Defendant.	)	

**MOTION FOR AN EXTENTION OF TIME TO FILE RESPONSIVE PLEADINGS**

The Defendant, Ellen Marie Hess, Commissioner of the Virginia Employment Commission (“Commissioner Hess”), by counsel, pursuant to Fed. R. Civ. P. 6(b)(1)(A) and Local Civil Rule 7(F)(2)(b), moves this Court for a twenty-one (21) day extension of time to file responsive pleadings. In support, Commissioner Hess states the following:

1. This is an injunction lawsuit filed by five individual plaintiffs on behalf of themselves and other similarly situated putative class members seeking declaratory and injunctive relief related to the timing and procedures for the adjudication of claims for unemployment benefits in the Commonwealth of Virginia (the “Commonwealth”).

2. The scope of this litigation is very broad: The individual plaintiffs and putative class members are drawn from the statewide population of applicants and recipients of unemployment benefits.

3. Commissioner Hess was served on April 16, 2021.

4. Following its procedures for appointment of outside counsel, the Commonwealth ultimately retained and authorized the law firm of Thompson McMullan, P.C. to defend Commissioner Hess on April 26, 2021.

5. Commissioner Hess' response is currently due on May 7, 2021.

6. By this motion, Commissioner Hess is requesting a twenty-one (21) day extension to **May 28, 2021**.

7. Good cause exists for the granting of this motion. The scope of this lawsuit is broad, and the issues presented are factually complex. There are complex issues bearing on this Court's subject matter jurisdiction that require thoughtful consideration. Counsel requires additional time to investigate and analyze these claims so that it may fulfill its professional obligations to Commissioner Hess to conduct an appropriate factual investigation and present a well-reasoned response to this Court and the parties. Absent an extension, the orderly adjudication of these important issues will be frustrated.

8. Further, Commissioner Hess and her counsel bring this motion in good faith and in the absence of any dilatory motive. Commissioner Hess has retained counsel and is actively vetting and investigating these legal claims with counsel's assistance.

9. The Plaintiffs have not and cannot articulate any prejudice. The adjudication of the issues in this matter will not be frustrated in any meaningful way. Provided that this Court concludes that this lawsuit ought to proceed beyond the Rule 12 stage, the Plaintiffs have requested a jury trial, which will only occur following class certification discovery, class certification proceedings, and appropriate factual discovery. Even in the "Rocket Docket," these proceedings are likely to span several months.



**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of May, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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