

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

BRUCE AND WENDY ANDERSON,

Plaintiffs,

v.

CASE NO.: 3:07-cv-00844-HLA-JRK

**AMWAY/QUIXTAR, INC.,
MICHAEL YOUNG MCCORMICK,
DONALD E. CHRISTOPHER, AND
HAL GOOCH,**

Defendants.

**DEFENDANT QUIXTAR INC.'S MOTION FOR ENLARGEMENT OF TIME
TO FILE ITS RESPONSE TO
PLAINTIFFS' MOTION TO VACATE ARBITRATION AWARD**

Defendant, Quixtar Inc. ("Quixtar") (erroneously denominated as Amway/Quixtar, Inc. by Plaintiffs in the Amended Complaint), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 6(b) and Rule 3.01 of the Rules of the United States District Court for the Middle District of Florida, respectfully requests an extension of time to file its response to Plaintiffs' Motion to Vacate Arbitration Award and the memoranda filed in support until January 31, 2008. (Doc. 12, 17, 23 and 24). In support of this Motion, Defendant states:

1. Plaintiffs served their Motion to Vacate Arbitration Award (Doc. 12 and 17) on January 3, 2008.

2. Plaintiffs then served their initial Memoranda in Support of the Motion to Vacate Arbitration Award on January 11, 2008. (Doc. 23). On January 15, 2008, Plaintiffs' served their Second Memoranda in Support of the Motion to Vacate Arbitration Award. (Doc. 24).

3. If calculated from the date the initial Motion to Vacate Arbitration Award was

filed (Doc. 12 and 17), January 3, 2008, and not the date the memoranda in support were served, Quixtar's response would arguably be due on January 17, 2008.

4. This Court recently granted Quixtar's Motion for Enlargement of Time to respond to the Amended Complaint and ordered Quixtar to respond by January 31, 2008. (Doc. 20).

5. Pending before this Court are two motions that may impact the course and scope of this litigation, namely, Christopher's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 5) and Plaintiffs' Motion to Amend Jurisdictional Qualification (Doc. 6).

3. As a result, Quixtar requests an enlargement of time within which it may file its response to the Motion to Vacate Arbitration Award until January 31, 2008, the same day its response to the Amended Complaint is due.

4. This request for an enlargement of time is not intended for purposes of delay and will not prejudice any party or the calendar of the Court.

MEMORANDUM OF LAW

Rule 6(b), Fed. R. Civ. P., states in pertinent part that:

When, by these rules, or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefore is made before the expiration of the period originally prescribed

The extension of time requested by this Motion is made for good cause, will not adversely affect any party, and will promote the Court's efficient administration of this matter. The Court has wide discretion under Rule 6, Fed. R. Civ. P. to grant enlargements of time. *Wood v. Allied Concord Fin. Corp.*, 373 F.2d 733, 734 (5th Cir. 1967); *Harris v. Siegel*, 438 F.Supp. 510, 513 (S.D. Fla. 1977). This Motion is not being made for the purpose of

obstruction or delay, but is instead a good-faith request for an extension of time, which will not interfere with proceeding in this case. Indeed, no deadlines have yet been scheduled in this case nor has the time expired for the parties to file their Case Management Report.

Rule 3.01(g) Certification

Pursuant to Local Rule 3.01(g), counsel for Quixtar certifies that she has attempted to consult with the *pro se* Plaintiffs, however such attempt has been unsuccessful to date.

WHEREFORE, Defendant, Quixtar respectfully requests that the Court enter an order enlarging the time within which it may file its response to Plaintiff's Motion to Vacate Arbitration Award and the memoranda filed in support until January 31, 2008, and for such other relief as this Court deems equitable and just.

DATED: January 16, 2008.

Respectfully submitted,

/s Sarah G. Maroon

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**ATTORNEYS FOR DEFENDANT,
QUIXTAR INC.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of January, 2008, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send notification of such filing to the following:

Donald E. Christopher
Keith E. Rounsaville
LITCHFORD & CHRISTOPHER
Professional Association
Bank of America Center
390 North Orange Avenue
Post Office Box 1549
Orlando, FL 32802

I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants on January 16, 2008:

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/s/ Sarah G. Maroon
Attorney