

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

MICHAEL HILL, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BELRON U.S., )  
 d/b/a SAFELITE AUTO GLASS, )  
 )  
 Defendant. )

Case No. 1:11-cv-269-PPS-RBC

**MOTION FOR EXTENSION OF TIME TO ANSWER**

Comes now the Defendant, Belron U.S. Inc., n/k/a Safelite Group, Inc. (“Defendant”), by counsel, Burt, Blee, Dixon, Sutton & Bloom, LLP, and pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1, hereby requests this Court extend its time to answer Plaintiff, Michael Hill’s (“Plaintiff”) Complaint to September 15, 2011. In support of this Motion, Defendant states as follows:

1. This cause of action was commenced in the Allen County Superior Court under Cause Number 02D01-1106-CT-304.

2. On or about July 27, 2011, prior to the case’s removal to this Court, counsel for Plaintiff and counsel for Defendant agreed that Defendant’s answer to Plaintiff’s Complaint would be due on or before September 15, 2011. (Copies of the Motion and State Court Order relating thereto are collectively attached hereto as Exhibit “A”).

3. On August 8, 2011, Defendant filed its Notice of Removal in the United States District Court of Indiana, Fort Wayne Division.

4. Pursuant to Rule 81(c) of the Federal Rules of Civil Procedure, Defendant's

Answer was due as follows:

(2) Further Pleading. . . . A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods:

- (A) 21 days after receiving - through service or otherwise - a copy of the initial pleading stating the claim for relief;
- (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or
- (C) 7 days after the notice of removal is filed.

5. Pursuant to the above Rule, Safelite's answer, without the agreed-to extension between counsel, would have been due August 15, 2011<sup>1</sup>.

6. That Defendant requested and Plaintiff agreed in the State Court matter that an extension of time to answer was reasonable as the undersigned needed additional time to familiarize herself with the circumstances alleged in Plaintiff's Complaint.

7. In addition, additional time was needed as the undersigned will be out of the Country from August 26, 2011, through and including September 9, 2011.

8. The undersigned has attempted to contact counsel for Plaintiff, Attorney Samuel Bolinger, to confirm our prior agreement, but have been unable to reach Attorney Bolinger to confirm our prior understanding.

9. This request is not made to unduly delay or prejudice Plaintiff in this matter but is necessary to allow the undersigned to familiarize herself with the facts alleged and also due to the undersigned's previously set schedule.

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<sup>1</sup>The undersigned apologizes for the delay in filing the instant Agreed Motion as she mistakenly calendared Monday, August 22, 2011, instead of Monday, August 15, 2011.

WHEREFORE, the Defendant, Belron U.S. Inc., n/k/a Safelite Group, Inc., by counsel, respectfully requests this Court to extend its time to respond to the removed Complaint to on or before September 15, 2011, pursuant to the agreement of the parties, and for all other relief just and proper in the premises.

Respectfully submitted,

s/ Rachel Y. Osting \_\_\_\_\_

Rachel Y. Osting, #27278-02

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Attorneys for Defendant

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was forwarded via ECF electronic mail ("e-mail"), United States First Class Mail (postage prepaid), or hand delivery, this 22nd day of August, 2011, to:

Samuel L. Bolinger  
126 W. Columbia Street, Suite 300  
Fort Wayne, IN 46802  
mark@sbolinger.com

s/ Rachel Y. Osting \_\_\_\_\_

Rachel Y. Osting