

# In the United States Court of Federal Claims

No. 10-546C

(Filed November 18, 2011)

NOT FOR PUBLICATION

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**MICHAEL ALAN CROOKER,**

Plaintiff,

v.

**THE UNITED STATES,**

Defendant.

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## ORDER

The Court has reviewed defendant's motion for an enlargement of time, which plaintiff opposes. The government seeks an additional fourteen days added to the date the parties jointly proposed for the filing of its cross-motion for summary judgment and response to plaintiff's supplemental memorandum, and would extend by twenty-eight days the deadlines for the two remaining briefs to be filed. Plaintiff opposes the motion but accepts the proposed schedule as appropriate if the enlargement is granted, if no further extensions are allowed.

The reason given for the requested enlargement is the press of other business being handled by the counsel of record, including two briefs due in the Federal Circuit over the next two weeks. Conflicting demands on counsel's time can be a legitimate reason for an extension, depending on whether the opposing party is prejudiced by any delay. Plaintiff does not articulate any reason for his opposition, although prejudice could be surmised --- as it does not appear to the Court that wrongful imprisonment claims under 28 U.S.C. sections 1495 and 2513 are eligible for awards of prejudgment interest, and thus unnecessary delay would injure a successful plaintiff. But since plaintiff would accept a twenty-eight day delay for the remainder of the schedule if this fourteen day enlargement is granted, this particular source of prejudice cannot logically be inferred. Accordingly, the Court **GRANTS** Defendant's Motion for Enlargement of Time to respond to Plaintiff's Motion for Summary Judgment Supplement and to File its Motion for Summary Judgment. The schedule is adjusted as follows:

-- defendant shall file its cross-motion for summary judgment and response to plaintiff's supplemental memorandum on or before **Friday, December 2, 2011**;

-- plaintiff shall file his response to defendant's cross-motion for summary judgment and reply in support of his supplemental memorandum on or before **Friday, January 13, 2012**; and

-- defendant shall file its reply in support of its cross-motion for summary judgment on or before **Friday, February 10, 2012**.

The parties are reminded to consider the issues identified in the Court's Order of September 9, 2011.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

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**VICTOR J. WOLSKI**

Judge