



You Want Me To Grant You An Extension To Do What To Me?!

by [Jessica S. Grigsby](#) on 10/27/10

The discovery process, much like everything else in the law, is governed by strict time lines. Most of the time these can be pushed out, IF, defense and plaintiff's counsel agree to extend the deadline. Recently I answered some discovery that defense counsel served on my client. Thereafter defense counsel sat on his duff for most of the 45 days he had before he could bring a motion to compel me to basically "answer better."

Apparently a few days before the deadline to serve the motion came up, [defense counsel](#) decided to actually read my responses. He did not like them. Here's the problem, before he can bring a motion to compel with the court, opposing counsel has to send a "meet and confer" letter to me seeing if I will amend the responses without having to get the court involved. I call that the "play nice with your sister before yelling 'MOM!'" letter. But since defense counsel was up against a deadline to serve the motion to compel, he had crafted a seven page letter detailing what he termed "deficiencies" in my responses (what he calls deficient, I call perfectly good responses), and he wanted these fixed in two days.

At the end of his letter, wherein he has just spent seven pages calling me and my client's answers bad, he asks the following: "As the deadline for us to bring a motion to compel is looming, please grant us an extension by which we can bring a motion to compel against you." What?! You want me to grant you what? Let me get this straight, I can do nothing and your deadline will pass with no consequences to me, or I can grant you an extension to bring a motion against me wherein I would have to spend about 8 hours drafting an opposition, appear in court and argue why my responses are sound, and possibly face expensive sanctions.

“Dear Opposing Counsel, I regret to inform you that I will not be granting your requested extension. Have a nice day.”