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AUTHORITY

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DAUPHIN COUNTY
PENNA

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IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA

U.S. LAW SHIELD OF PENNSYLVANIA,
LLC, EX REL. TODD HOOVER;
JUSTIN J. MCSHANE, AN INDIVIDUAL

PLAINTIFFS

v.

CITY OF HARRISBURG;
MAYOR ERIC PAPERFUSE;
WANDA WILLIAMS,
SANDRA REID,
BRAD KOPLINSKI,
BEN ALATT,
JEFF BALTIMORE,
SUSAN WILSON,
SHAMAINE DANIELS,
HARRISBURG CITY COUNCIL MEMBERS; AND
THOMAS CARTER,
CITY OF HARRISBURG CHIEF OF POLICE

DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND
TO THE COMPLAINT

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION
FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

AND NOW come Plaintiff U.S. Law Shield of Pennsylvania, LLC *ex rel.* Todd Hoover, and Plaintiff Justin McShane (collectively "Plaintiffs"), by and through their attorneys of record Justin J. McShane and Michael Antonio Giaramita Jr. of *The McShane Firm, LLC*, and respectfully respond to Defendants' Motion for Extension of Time to Respond to the Complaint (filed January 29, 2015) as follows:

1. Plaintiffs instituted the above styled action by filing a civil Complaint on January 13, 2015.
2. Defendants were served with a copy of the Complaint and Notice to Respond on January 15, 2015.
3. Defendants' responsive pleadings are currently due on or before February 4, 2015.
4. Defendants' attorneys filed a formal Entry of Appearance dated January 28, 2015. Defendants are represented by Frank Lavery, Jr., Jessica Sydney Hosenpud and Joshua M. Autry of Lavery Faherty.
5. On January 27, 2015, in the late afternoon, co-counsel for Defendants, Attorney Hosenpud, left Attorney Justin McShane a voice message requesting an extension of time to file Defendants' responsive pleadings.
6. The following day, Attorney McShane contacted Attorney Hosenpud to discuss the matter. Because Plaintiffs continue to suffer harm from the ordinances remaining in effect, Attorney McShane informed Attorney Hosenpud that Plaintiffs could not agree to Defendants' request for an extension of time.
7. In light of the irreparable harm being suffered by Plaintiffs, Attorney McShane informed Attorney Hosenpud that Plaintiffs intended to file a Motion for Preliminary Injunction

seeking to enjoin Defendants from enforcing the disputed ordinances pending litigation on the merits.

8. In efforts to reach a reasonable agreement that satisfied both parties, Attorney McShane informed Attorney Hosenpud that Plaintiffs would consent to Defendants' request for an extension of time if Defendants would agree to the preliminary injunctive relief sought by Plaintiffs. Because an agreement upon a preliminary injunction would prohibit enforcement of the disputed ordinances, this would alleviate the harm suffered by Plaintiffs, thereby diminishing their objection to an extension of time to respond. Attorney McShane communicated that this offer would stand until close of business on January 29, 2015.
9. Prior to close of business on January 29, 2015, Attorney Hosenpud contacted Attorney McShane to convey that Defendants had rejected Plaintiffs' offer, and would not consent to preliminary injunctive relief. Accordingly, Attorney McShane informed Attorney Hosenpud that Plaintiffs' would not consent to an extension of time to respond to the Complaint.
10. On January 29, 2015, Defendants filed a Motion for Extension of Time to Respond to the Complaint. Defendants request a full 20 additional days to file their responsive pleading. Because Defendants filed their motion before the original time to file a responsive pleading expired, this Court may extend the time for Defendants to file a responsive pleading on cause shown. Pa.R.C.P. 1003.
11. In their motion, Defendants contend that they need additional time to prepare their responsive pleading because Counsel was retained on January 23, 2015.

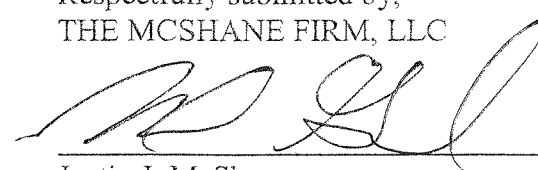
12. Dedendants' motion further avers that Attorney Lavery, being in Pheonix, Arizona, could not meet with Defendants until January 26, 2015. Finally, Defendants assert Attorney Lavery and Attorney Autry traveled to San Diego, California on a pre-arranged trip from January 27, 2015 until February 1, 2015.
13. Plaintiffs object to extending Defendants' time to respond to the Complaint. As Plaintiffs' Complaint and Motion for Preliminary Injunction have set forth, Defendants' enactment, upholding and enforcement of the ordinances in dispute is causing Plaintiffs to suffer immediate and irreparable harm.
14. Defendants' motion does not address the immediate and irreparable harm Plaintiffs will continue to suffer if the extension of time is granted.
15. Defendants' motion seeks extension due to delay on the part of Defendants in retention of counsel, and inevitable scheduling conflicts on the part of some, but not all, of Defendants' counselors. The motion contains no additional information establishing good cause.

WHEREFORE, Plaintiffs object to Defendants' Motion for Extension of Time to Respond to the Complaint, and respectfully request this Honorable Court deny the same as set forth in the proposed alternative order provided herewith.

Date: 2/2/2015

Respectfully submitted by,
THE MCSHANE FIRM, LLC

For



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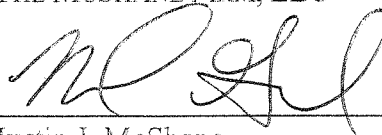
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Plaintiffs' Response to Defendants' Motion for Extension of Time to Respond to Plaintiffs' Complaint was sent via United States Mail, postage prepaid on this 2nd day of FEBRUARY 2015, to all known counsel of record listed below:

Frank Lavery Jr.
Joshua M. Autry
Jessica Hosenpud
LAVERY FAHERTY
225 Market Street
P.O Box 1245
Harrisburg, PA 17108
Attorneys for Defendants

Date: 2/2/2015

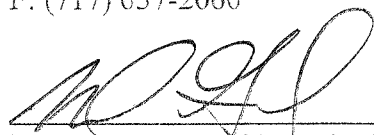
THE MCSHANE FIRM, LLC



FOR

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DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

ORDER OF COURT DENYING
DEFENDANTS' MOTION FOR EXTENSION OF TIME

AND NOW, this ____ day of _____, 2015, upon consideration of the
Motion for Extension of Time to Respond to the Complaint filed on behalf of Defendants,
opposed by Plaintiffs, and for lack of legal, factual, or equitable basis to grant the same;

IT IS HEREBY ORDERED THAT Defendants' Motion for Extension of Time to Respond to the Complaint is **DENIED**.

BY THE COURT:

Date: _____

J.

For Distribution:

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