

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JOHN BAPTIST KOTMAIR, et al.,)
)
 Defendants.)

Case No.: WMN 05 CV 1297

MOTION TO EXTEND TIME

The United States of America, hereby moves to extend, for two weeks, or until July 3, 2006, the time to respond to defendants' motions for summary judgment.

On March 22, 2006, the Court held a conference call with the parties discussing (1) deadlines for filing dispositive motions, (2) responses, and (3) setting a trial date for this case. During this conference, Plaintiff's counsel represented that a dispositive motion could be filed in June 2006 and a September trial date could be set based on defendants' anticipated compliance with the United States' discovery requests.

Defendants have refused to answer the United States' requests for *over seven months*, however, and on April 25, 2006, the United States filed a motion to compel discovery responses which the Court granted in part on May 16, 2006.¹ In response, defendants filed an objection and a motion for stay. Although a stay is not automatic, their noncompliance with the Court's Order continues.²

¹ Docket no. 33.

² Docket nos. 34 & 35; *See* L.R. 301.5.a ("the filing of objections to the Magistrate Judge's order shall not operate as a stay of any obligation or deadline imposed by the order.")

Given the nature of this action, the United States is deeply prejudiced by defendants' noncompliance with the Court's Order and the Federal Rules, because the information requested by the government is central to its case. Defendants' willful failure to cooperate and the filing of last-minute motions for stay and motions for reconsideration, frustrate the preparation of any substantive motion.

On June 8, 2006, the United States filed a Motion for Sanctions for Discovery Violations.³ Defendants are required to respond to the motion for sanctions by June 26, 2006. Moreover, the United States requested that the Court enter a default judgment if defendants' noncompliance continues past June 30, 2006. Thus, the United States requests this two-week extension of the Court's March 22, 2006 Scheduling Order in order to incorporate any responsive documents provided by defendants into any substantive motion filed with the Court.

On June 9, 2006, the United States faxed defendants a letter requesting that they call to state any objection to the granting of this motion. Defendants did not respond to this letter and so the United States cannot state whether defendants object to the granting of this motion.

Respectfully submitted,

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³ Docket nos. 37.

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing MOTION TO EXTEND has been made upon the following by depositing a copy in the United States mail, postage prepaid, this 9th day of June, 2006.

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