

FEDERATED STATES OF MICRONESIA
DEPARTMENT OF JUSTICE
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DATE: 2/17/12 TIME: _____ am/pm
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CLERK, FSM SUPREME COURT
KOSRAE
TRIAL DIVISION

Attorneys for the Federated States of Micronesia

**IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION – KOSRAE STATE**

**BETSY ROSE MONGKEYA, et al,
As personal representatives of
JODAI MONGKEYA, Deceased,**

Plaintiff,

vs.

**KOSRAE STATE GOVERNMENT,
KOSRAE STATE HOSPITAL, DR.
WINSTON LIKIAKSA, in his official
Capacity, Dr. James Reese, Dr. Jamal
Mustafa, and Canvasback Missions, Inc.)**

Defendants.

) CIVIL ACTION NO. 2010 - 2002

**) DEFENDANTS DR. JAMES REESE, DR.
) JAMAL MUSTAFA, and CANVASBACK
) MISSIONS, INC., MOTION FOR
) ENLARGEMENT OF TIME**

COMES NOW, the Defendants, by and through its counsel, the FSM Department of Justice, hereby files its Motion for Enlargement of Time, to allow Defendants reasonable time to file its Discovery.

This motion is made pursuant to Rule 6 (b) of the FSM Supreme Court Rules of Civil Procedure, applicable jurisprudent, filed for good cause and is based on Memorandum of Points and Authorities attached hereto and incorporated herein by reference together with the files and records of this case.

MEMORANDUM OF POINTS AND AUTHORITIES

The Defendants are respectfully requesting an enlargement of time to file its Discovery, as the Discovery deadline set by the Court during the last scheduling conference was set for February 17, 2012. The Defendants are located in the State of California in the U.S, which creates a difficulty in communicating because of the difference in time and distance. Also, Dr. Reese and Dr. Mustafa are full time practicing doctors who have requested through counsel that they be allowed additional time to review and answer specific discovery requests made in this matter.


The Defendants are requesting this honorable Court to allow the filing of its response pursuant to Rule 6 (b) of the FSM Rules of Civil Procedure, which states:

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specific time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under rules [52\(b\)](#), [59\(b\)](#), (d) and (e), and [60\(b\)](#), except to the extent and under the conditions stated in them.

Due to the fact that our clients are located in California, and the doctors work schedules, the FSM Department of Justice humbly request an additional twenty (20) days to file its discovery in this case

Dated: February 16, 2012

Respectfully submitted,



Daniel Rescue Jr.
Assistant Attorney General