

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**
U.S. Magistrate Judge Gordon P. Gallagher

Civil Case No.: 15-CV-2313-REB-GPG

U.S. COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

GREGORY L. GRMALEGUI,

Defendants.

ORDER REGARDING DEFENDANT'S MOTION FOR CLARIFICATION

Defendant moved for an extension of time (ECF #18) to answer the complaint in this matter. The Court granted the motion, in part, Ordering that an answer was due on November 23, 2015 rather than the November 24, 2015 date Defendant requested. Defendant now moves for a clarification as to whether the Court really meant November 23, 2015 or not. The clarification motion (ECF #21) has been referred to this Magistrate Judge, as was the prior motion referenced above.

The Court really meant November 23, 2015, which is now the answer date, and here is why:

Defendant was served in this matter on 10/20/15 (*See* ECF #10). The timeline for answering is set forth in Federal Rule of Civil Procedure 12 and began running from that date. Defendant retained Counsel on 10/31/15. The Court found it reasonable to provide recently hired Counsel the benefit of 21 days to answer from the date Counsel was retained. 21 days, from 10/31/15, would expire on 11/21/15 (Saturday), so the Court rolled that date forward to 11/23/15.

Defendant argued, in its original motion on this subject, that Counsel needed additional time to answer because of the date of retention and because Counsel had just completed a trial in Jefferson County. The Court disregarded the press of business argument as Counsel presumably knew and could take account of Counsel's schedule at the time Counsel was retained. The press of business is not good cause for a motion for extension of time. *See* Practice Standards – Civil Actions for the Honorable Robert E. Blackburn, Section II. G. 3.

Dated November 13, 2015.

BY THE COURT:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small flourish.

Gordon P. Gallagher
United States Magistrate Judge