

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE EDMUND ZAGORSKI)
) No. M1996-00110-SC-DPE-DD
) Filed: July 12, 2010

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO MOTION TO SET EXECUTION DATE

Edmund Zagorski respectfully moves, unopposed, for a thirty (30) day extension (until August 16, 2010) within which to respond to the state's motion to set an execution date. In support of this request, undersigned counsel states:

1. On July 6, 2010, the State moved to set an execution date. Zagorski currently has until July 16, 2010 within which to file a response.

2. On July 16, 2010, undersigned counsel has to file a petition for rehearing in the United States Court of Appeals for the Sixth Circuit in the case of Smith v. Bell, 6th Cir. No. 05-6653. Since the state filed its motion in this case, counsel has been preparing (and continues to prepare) the rehearing petition in *Smith*. July 26, 2010 is the current due date for a summary judgment response in another of counsel's federal cases, Morris v. Bell, W.D.Tenn. No. 1:07-1084. Undersigned counsel has to prepare significant portions of that response. Undersigned counsel also has to attend to various personal matters through the end of July.

3. Counsel will therefore require additional time to respond to the state's motion and marshal Zagorski's arguments for not setting an execution date.

4. Counsel thus requests a thirty-day extension, until August 16, 2010 (the thirtieth day falls on Sunday August 15, 2010) within which to file Zagorski's response.

5. This Court has recently granted similar requests for extension in the *Owens*, *Irick*, and *West* cases.

6. Counsel has discussed this requested extension with counsel for the state, who has no objection to the requested thirty-day extension.

7. Accordingly, this Court should grant Zagorski's unopposed request for a thirty-day extension and give him until August 16, 2010 within which to file his response.

CONCLUSION

The request for a thirty-day extension should be granted.

/s/ Paul R. Bottei
Paul Bottei #17036
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VERIFICATION

I verify that the foregoing is true and correct to the best of my knowledge.

/s/ Paul R. Bottei

CERTIFICATE OF SERVICE

I verify that I have served a copy of the foregoing upon Jennifer Smith, Office of the Attorney General, 425 Fifth Avenue North, Nashville, Tennessee 37243 this 12th day of July, 2010.

/s/ Paul R. Bottei