

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PHILIP R. WORKMAN,)	
)	
Plaintiff)	No. 3:01-0296
)	Judge Campbell
v.)	
)	
DR. BRUCE LEVY, et al.)	
)	
Defendants)	

MOTION FOR EXTENSION OF TIME TO RESPOND TO
MOTION TO VACATE ORDERS GRANTING PRELIMINARY INJUNCTION
AND CLOSING CASE AND ADDITIONAL MOTIONS

Plaintiff Philip Ray Workman, moves this Court for a brief extension of time, until May 1, 2007, within which to respond to various new documents filed by Defendants in this matter. In support of this motion, Philip Workman states:

1. Over six (6) years after this Court terminated this litigation, Defendants have now filed various motions. First and foremost is Defendants' motion asking this Court to: (1) vacate its March 30, 2001 which terminated and closed this case (when a Tennessee Supreme Court order mooted the case); and (2) vacate its March 29, 2001 order granting a preliminary injunction. R. 10. Defendants have also opposed the preliminary injunction (R. 11) and moved to dismiss the complaint. R. 13. Obviously, those additional motions would only be viable were this Court, as an initial matter, to re-open this already closed case and vacate the preliminary injunction order.

2. At approximately 4:45 p.m. on April 26, 2007, undersigned counsel first learned of Defendants' new filings in this case, which had been closed by court order on March 30, 2001. R. 9.

3. Undersigned counsel immediately pulled up the docket in this case on PACER and

obtained copies of the new electronic pleadings filed by Defendants' counsel. Defendants' certificates of service reveal that they were not directed to any particular attorney representing Mr. Workman, except perhaps to Don Dawson, who represented Workman when this case was closed in 2001, but hasn't represented him since.¹ Defendants' counsel did not serve a copy of their new pleadings on Mr. Workman or undersigned counsel, even though they are fully aware that undersigned counsel currently represents Mr. Workman.

4. Though Defendants' motions don't appear well-taken (because this Court terminated this suit years ago), Philip Workman certainly intends to file a response. Currently, undersigned counsel does not have a copy of the original pleadings filed in this matter but is in the process of obtaining them from the Court file.

5. Mr. Workman therefore requests a brief extension of time in which to file a response. With the Court's indulgence, he respectfully requests a brief extension of time, until May 1, 2007, in which to respond to these new matters.²

Respectfully Submitted,

Kelley J. Henry
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/s/ Kelley J. Henry

¹ In a like manner, it appears that the particular individuals who represented the Defendants in 2001 did not file the current motions.

² If the current motions filed by Defendants were properly filed (a point that Mr. Workman does not concede), any response would have been due on April 25, 2007. Thus, Mr. Workman is requesting an extension of four business days.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via the electronic filing process upon counsel for Defendants, Rita Roberts-Turner, 222 Third Avenue North, Suite 501, Nashville, Tennessee 37201; Pamela Lorch, Office of the Attorney General, 425 Fifth Avenue North, Nashville, Tennessee 37243, this 27th day of April, 2007.

/s/ Kelley J. Henry