

ORDER NO. 4910

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;  
Tony Hammond, Vice Chairman;  
Mark Acton; and  
Nanci E. Langley

Complaint of Randall Ehrlich

Docket No. C2019-1

ORDER GRANTING, IN PART,  
MOTION FOR EXTENSION OF TIME

(Issued November 30, 2018)

On November 30, 2018, Randall Ehrlich (Complainant) filed a motion seeking to extend the deadline for filing an answer to the Postal Service's motion to dismiss, filed November 23, 2018.<sup>1</sup>

In accordance with 39 C.F.R. § 3001.21(b), the Complainant's deadline for filing an answer to the Motion to Dismiss is November 30, 2018. See 39 C.F.R. § 3001.21(b). Complainant states that the Motion to Dismiss "was never served" upon Complainant's attorney.<sup>2</sup> Complainant states that he incidentally discovered the Motion

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<sup>1</sup> Motion for Extension of Time, November 30, 2018 (Motion for Extension); United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, November 23, 2018 (Motion to Dismiss).

<sup>2</sup> Motion for Extension at 1. The Commission directs Complainant to 39 C.F.R. § 3001.12(a), which states "[e]ach document filed in a proceeding via the Internet . . . shall be deemed served on all participants when it is accepted by the Secretary and posted on the Commission's website. . . ." 39 C.F.R. § 3001.12(a).

to Dismiss on November 28, 2018, and that the Commission's electronic docket update system did not notify Complainant's attorney of the filing. Motion for Extension at 1.

Complainant suggests that the Commission should adopt a 24-day deadline for motions responses as set forth in the Local Rules for the U.S. District Court for the Western District of Washington. *Id.* Complainant argues that the dispositive nature of the Motion to Dismiss, the filing date near the Thanksgiving holiday, and the inclusion of evidence outside the pleadings warrant the longer response period.

The Commission declines to adopt the local procedural rules of the Western District of Washington. Nevertheless, the Commission grants the Motion for Extension to provide an opportunity to answer the Motion to Dismiss. The Commission extends the filing deadline by 7 days, to provide the Complainant as much time as he would have if discovering the Motion to Dismiss when it was filed on November 23, 2018. The Complainant shall file any answer to the Motion to Dismiss on or before December 7, 2018.

*It is ordered:*

1. Complainant's Motion for Extension of Time, filed November 30, 2018, is granted, in part.
2. The deadline for filing an answer to the United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, filed November 23, 2018, is extended to December 7, 2018.

By the Commission.

Stacy L. Ruble  
Secretary