

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION
Civil Action No: 1:14-cv-965

THOMAS L. TAYLOR III, Solely in His
Capacity as Court-Appointed Receiver for
Robert A. Helms, et al.,

Plaintiff,

v.

PHILIP E. GAUCHER,

Defendant.

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY IN SUPPORT OF
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

Philip E. Gaucher (“Gaucher”) files this Unopposed Motion for an Extension of Time to File his Reply in Support of his Motion to Dismiss the First Amended Complaint (hereinafter “Cmplt.”) (Doc. No. 16), seeking a seven-day extension of time, up to and including February 17, 2015. The Receiver does not oppose this motion. In support thereof, Gaucher shows the Court the following:

ARGUMENT

Gaucher filed his Motion to Dismiss the Court Appointed Receiver’s (“Receiver”) First Amended Complaint on January 20, 2015. (Doc. No. 16). The Receiver timely filed a Response in Opposition on February 3, 2015 (Doc. No. 17). Pursuant to Local Rule 7(f)(2), Gaucher’s Reply in Support of his Motion to Dismiss the First Amended Complaint “shall be filed not later than 7 days after the filing of the response to the motion.” Therefore, under this Local Rule, Gaucher’s Reply Brief would be due to the Court no later than February 10, 2015. Gaucher

requests a seven-day extension of time to file his Reply Brief, up to and including February 17, 2015. The Receiver does not oppose this motion.

As the Court is well aware, Gaucher is a principal of Clovis Capital Ventures, LLC (“Clovis”), which is involved in complex litigation with the Receiver before this Court (hereinafter “Clovis Litigation”). As the Court is also aware, the undersigned counsel represents Gaucher in the instant matter and also represents Clovis in the Clovis Litigation. In the Clovis Litigation, the Court has scheduled a hearing in Austin, Texas for February 12, 2015, and has also scheduled deadlines for comprehensive pre-hearing briefs and pre-trial filings under Local Rule 16 for February 6, 2015.

Due to time and resource constraints on the undersigned counsel in preparing for the hearing in the Clovis litigation, Gaucher will be unable to dedicate the necessary time to preparing and filing his Reply Brief in Support of his Motion to Dismiss the First Amended Complaint. Accordingly, Gaucher requests a seven-day extension, up to and including February 17, 2015, to file his Reply Brief. The Receiver does not oppose this extension.

CONCLUSION

For the foregoing reasons, Gaucher respectfully requests a seven-day extension of time, up to and including February 17, 2015, to file his Reply Brief in Support of his Motion to Dismiss the First Amended Complaint. The Receiver does not oppose the relief sought by Gaucher in this motion. Pursuant to Local Rule 7(g), a Proposed Order granting Gaucher’s Motion for an Extension of Time is attached hereto as **Exhibit A**.

Submitted this 4th day of February, 2015.

/s/ William R. Terpening_____

William R. Terpening
Admitted Pro Hac Vice

Charles G. Miller
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Attorneys for Philip E. Gaucher

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7(i), Counsel for Gaucher has made a good-faith effort to reach an agreement with the Receiver. The Receiver does not oppose this Motion.

/s/ William R. Terpening
Attorney for Philip E. Gaucher

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system to the following person:

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Counsel for Plaintiff

Submitted this 4th day of February, 2015.

/s/ William R. Terpening _____
William R. Terpening