

From: [William Bock, III](#)
To: [Sean Breen](#)
Cc: [Tim Herman](#)
Subject: Re: Request for Courtesy Copies of Mr. Armstrong's Filings
Date: Thursday, August 02, 2012 6:58:11 PM

Dear Sean:

The deadline for Plaintiff's response to Defendants' Motion to Dismiss is today —14 days from the date we filed our motion. See Local Rule CV-7(e)(2).

In suggesting otherwise, I presume you have allotted yourself three additional days based on Rule 6(d) of the Federal Rules of Civil Procedure. That rule does not apply here. Rule 6(d) adds 3 days when a party's deadline falls "within a specified time after service." (emphasis added).

Since Local Rule CV-7(e)(2) sets the deadline to respond to a motion based on the date of filing, not service, Rule 6(d) is inapplicable. See Local Rule CV-7(e)(2) ("A response to a dispositive motion shall be filed not later than 14 days after the filing of the motion."); see also *Pavone v. Mississippi Riverboat Amusement Corp.*, 52 F.3d 560, 566 (5th Cir.1995) (concluding that the three-day extension in Rule 6 "applies only when a party is required to act within a prescribed period after service, not after *filing* ") (emphasis in original).

We filed our motion well in advance of the deadline to answer so that it could be fully briefed prior to the hearing date set by the Court. Your planned untimely filing would greatly shorten the time we have to file a reply brief.

Accordingly, I would ask that you please file your response brief no later than the 5 pm close of business tomorrow - a day after your response was due.

Kind regards,

Bill

Sent from my iPhone

On Aug 2, 2012, at 5:59 PM, "Sean Breen" <[REDACTED]> wrote:

Dear Bill:

We will be happy to accommodate your request and send all the folks listed in your email below electronic courtesy copies of our filing(s) when we file our opposition on

Monday when it is due. Tim and I will give you a call tomorrow.

Best Regards,

Sean E. Breen

From: William Bock, III [REDACTED]
Sent: Thursday, August 02, 2012 3:18 PM
To: Tim Herman; Liz Lawrence; Sean Breen
Cc: William Bock, III; richard.young@usada.org; 'Rychener, Brent'; Onye Ikwuakor; Lawrence McMillan
Subject: Request for Courtesy Copies of Mr. Armstrong's Filings

Dear Tim and Sean,

As a courtesy to us, at the time you make your filings today on behalf of Mr. Armstrong would you be so kind as to send via email electronic copies of the materials that you file to those of us who have only recently registered as electronic filers in the Western District of Texas? We have not yet received anything yet via the court's electronic filing system and in the event we are not yet completely entered into the system we wanted to find a way of making sure we got the documents this evening.

I have copied those on this email who would like to receive electronic copies. Your help is greatly appreciated.

Kind regards,

Bill

William Bock, III
General Counsel
US Anti-Doping Agency

5555 Tech Center Drive, Suite 200
Colorado Springs, CO 80919

<image001.jpg>

[REDACTED] Phone
[REDACTED] Mobile
866-601-2632 Toll Free
[REDACTED] Fax and Alternate Direct Dial

[REDACTED]
<image002.jpg>

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