

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

Served: June 24, 1992

FAA Order No. 92-41

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In the Matters of: )

MICHAEL K. MOORE and )  
SABRE ASSOCIATES, INC. )  
\_\_\_\_\_ )

) Docket Nos. CP90SO0360  
) & CP90SO0367  
)

ORDER GRANTING EXTENSION OF TIME

By letter dated June 17, 1992, Complainant requests an additional extension of time, in which to file its reply brief in this case. Complainant represents in this letter that counsel for Respondents has agreed to a further extension of time until July 22, 1992, for the filing of Complainant's reply brief. Complainant represents that additional time is needed for ongoing settlement discussions in this matter.

On October 23, 1991, Chief Administrative Law Judge John J. Mathias issued an oral initial decision after a hearing was held in this matter. The parties filed cross-appeals. After two extensions of time were granted, both parties filed their appeal briefs in a timely fashion. On March 18, 1992, the Administrator consented to a request for extension of time until April 20, 1992, for the parties to file their reply briefs. Respondents filed their reply brief on April 17, 1992.

In its letter, Complainant represents that the parties agreed to, and sought the Administrator's consent for an additional extension of time until May 20, 1992. Complainant writes further that by letter dated May 18, 1992, it requested another extension of time for the filing of Complainant's reply brief with the agreement of Respondent. Complainant states that it never received a response from the Administrator to either of these requests.

Indeed, the order issued on March 18, 1992, extending the due date for the filing of the reply briefs until April 20, 1992, was the last extension of time granted by the Administrator in this case. The Appellate Docket has no record of any further requests. However, it is likely that these requests would have been granted had they been received by the Appellate Docket, as Complainant apparently believed they had been. Consequently, good cause is found for Complainant's late-filed request for an extension of time in which to file its reply brief. See In the Matter of Wendt, FAA Order No. 91-48 (October 4, 1991) (in which good cause was found to accept a late-filed appeal brief when the parties had agreed to a 4-day extension of time but no request for the extension was filed with the docket.)

Complainant's reply brief is now due on July 22, 1992. In light of the considerable time that has elapsed since the law judge's initial decision, no further extensions of time will be granted in this matter. If, on July 22, 1992, Complainant

still feels that it needs additional time for settlement discussions, it should either file its reply brief or waive its opportunity to do so. In any event, the parties may continue the settlement discussions.

BARRY LAMBERT HARRIS  
Acting Administrator  
Federal Aviation Administration



JAMES S. DILLMAN\*  
Assistant Chief Counsel

Issued this 23rd day of June, 1992.

\* Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated January 29, 1990, under 49 U.S.C. § 332(b) and 14 C.F.R. § 13.202. See 55 Fed. Reg. 15094 (April 20, 1990).