

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,759

IN THE MATTER OF:

Served March 11, 2011

Formal Complaint of SERVICE)
EMPLOYEES INTERNATIONAL UNION LOCAL)
500 Against METRO HOMES, INC., and)
METRO DAY TREATMENT CENTER, INC.)

Case No. FC-2011-01

This matter is before the Commission on the March 10, 2011, motion of Metro Homes, Inc., and Metro Day Treatment Centers, Inc., under Commission Rule No. 7-07 for an extension of time - until March 31, 2011 - to respond to the complaint filed February 24, 2011. This is the first request for an extension of the answer deadline. The request is opposed by complainant.

Commission staff mailed a copy of the complaint to Metro Homes and Metro Day by First-Class Mail on February 25, 2011, pursuant to Commission Rule No. 5-01.

Under Rule No. 12-01: "An answer shall be filed to any formal complaint or petition filed by any person other than the Commission by each respondent against whom any relief is requested. Joint answers may be filed when common issues of fact or law are involved." Under Rule No. 12-03: "All answers shall be filed within fifteen (15) days of service of the pleading to which the answer is to be filed, unless otherwise ordered by the Commission."

Under Rule No. 5-03: "The date of service shall be the date when the matter served is deposited in the United States mail, first class postage prepaid, or is delivered in person, as the case may be, in computing the time from such date, the applicable provisions of Rule 7 shall apply." It thus appears that the deadline for filing an answer or answers is March 14, 2011.¹

Under Commission Rule No. 7-05: "Except when fixed by statute, whenever by any . . . order of the Commission, . . . an act is required or allowed to be done at or in a specified time, the time fixed or the period of time prescribed may for good cause be extended by the Executive Director"

The deadline at issue is not fixed by statute. As for good cause, respondents' counsel states that he is currently out of town

¹ Technically, the deadline is March 12, 2011, but because March 12 is a Saturday, the deadline is extended to March 14, 2011, by operation of Rule No. 7-01.

and needs additional time to return to the area and conduct an inquiry into the veracity of affidavits filed in support of the complaint before preparing a response. This seems reasonable given that Rule No. 12-03 requires respondents to admit or deny or offer an affirmative defense to each material allegation, as follows:

An answer must admit or deny each material allegation of the pleading to which it responds and shall be so drawn as to fully disclose the particular grounds upon which it is based. Answers may contain matters of affirmative defense as well as denials of material allegations. All matters not specifically denied or to which no affirmative defense is pleaded are deemed admitted. All answers shall conform to Rule 4.

For good cause shown, the March 14, 2011, answer deadline shall be extended two weeks to March 28, 2011. No further extensions of this deadline shall be granted.

IT IS SO ORDERED.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director