

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,862

IN THE MATTER OF:

Served May 17, 2011

Formal Complaint of CSL LLC, ) Case No. FC-2011-02  
Trading as DOUBLE DECKER TOURS, )  
WMATC No. 1240, Against CITY )  
SIGHTSEEING WASHINGTON DC INC., )  
Trading as OPEN TOP SIGHTSEEING )  
WASHINGTON, WMATC No. 931 )

This matter is before the Commission on the May 17, 2011, motion of respondent under Commission Rule No. 7-07 for an extension of time - until June 2, 2011 - to respond to the complaint filed May 4, 2011. This is the first request for an extension of the answer deadline. The request has complainant's consent.

Commission staff mailed a copy of the complaint to respondent by First-Class Mail on May 6, 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." 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 is May 23, 2011.<sup>1</sup>

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 additional time is required to

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<sup>1</sup> Technically, the deadline is May 21, 2011, but because May 21 is a Saturday, the deadline is extended to May 23, 2011, by operation of Rule No. 7-01.

exchange information and documents with respondent's affiliates located outside of the United States in preparation of an adequate answer.

The request 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 May 23, 2011, answer deadline shall be extended to June 2, 2011. No further extensions of this deadline shall be granted.

IT IS SO ORDERED.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director