IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

LEE KENT HEMPFLING, Plaintiff, vs. L.M. COMMUNICATIONS OF SOUTH CAROLINA, INC., a Kentucky Corporation; and L.M. COMMUNICATIONS II OF SOUTH CAROLINA, INC., a Kentucky Corporation, Defendants.	**CIVIL ACTION NO.: 2:04-1373-23BG** **MEMORANDUM IN SUPPORT OF MOTION TO EXTEND TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff has filed a 30-page, 149-paragraph Motion for Summary Judgment contending there are no issues of fact in this case of alleged unlawful, retaliatory discharge. The Defendants have moved for an extension of time to file their response to the Plaintiff's Motion until 30 days after the Defendant has taken the Plaintiff's deposition, currently scheduled for December 6, 2004.

Pursuant to Local Rule 7.06, the Defendants' response to the Plaintiff's Motion would normally be due within 15 days of the service of the Motion, which was received on November 8, 2004. However, Defendants believe that preparing a response will be much more efficient if Defendants are allowed to have an opportunity to depose the Plaintiff and receive straightforward responses to clearly worded questions concerning his claims and supporting evidence. Defendants also believe that the extension will allow the Court to address the issues more efficiently because Defendants contemplate filing a cross Motion for Summary Judgment after the Plaintiff's deposition.

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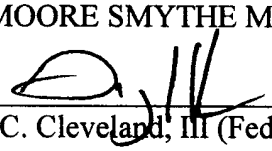
Therefore, pursuant to Local Rule 6.01, the Defendants respectfully submit that the time for filing their response to the Plaintiff's Motion for Summary Judgment should be extended until thirty days after the Plaintiff's deposition.

Respectfully submitted,

BUIST MOORE SMYTHE McGEE P.A.



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ATTORNEYS FOR DEFENDANTS

Charleston, South Carolina
November 10, 2004

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF MOTION TO EXTEND TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** has been served by depositing the same on the 11th day of November, 2004, via FedEx addressed to:

Lee Kent Hempfling, Plaintiff
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480-332-1535
Appearing Pro Se

BUIST MOORE SMYTHE MCGEE P.A.

Carla Circhione

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