

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

UNITED STATES of AMERICA, <i>ex rel.</i>)	
THOMAS JOSEPH)	
Plaintiffs,)	Civ. No. 13-55
)	
v.)	
)	
THE BRATTLEBORO RETREAT)	
)	
Defendants.)	
_____)	

**MOTION FOR ENLARGEMENT FOR TIME TO FILE AMENDED
COMPLAINT**

On August 10, 2014, this Court issued an order granting Thomas Joseph, the above-named Relator-Plaintiff, leave to file an amended complaint by September 9, 2014. Dkt. 30. Counsel for Mr. Joseph move for an extension of 30 days, to October 9, 2014, to file such an amended complaint. The reasons are stated below.

Memorandum In Support of Motion

The motion should be granted for two important reasons. First, since the Court’s Opinion of August 10, 2014, counsel for Mr. Joseph have been diligently working to gather facts that the Court’s Opinion stated were necessary. On September 3, 2014, counsel learned surprising new facts from the Vermont Attorney General’s Office that demand further investigation. Second, the Court’s Opinion appeared to require that an amended complaint provide information directly from The Brattleboro Retreat’s relevant submissions to the Centers for Medicare and Medicaid (“CMS”). Counsel’s request under

the U.S. Freedom of Information Act, 5 U.S.C. § 552, for such submissions is still pending with CMS, although CMS is aware of the urgency of counsel's request.

On Thursday, September 3, 2014, Counsel requested the consent of Counsel for the Defendant to this motion. Late Friday, Counsel for the Defendant advised that the Defendant will oppose the motion.

For these reasons, Mr. Thomas, through counsel, requests that the deadline for filing an amended complaint be extended from September 9, 2014 to October 9, 2014.

Boston, Massachusetts

September 5, 2014

Respectfully submitted,

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Counsel for Plaintiff-Relator Thomas Joseph

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7(a)(7), I hereby certify that on September 5, 2014, counsel for the Plaintiff-Relator Thomas Joseph conferred with counsel for the Brattleboro Retreat and that counsel for the Retreat stated that the Retreat does oppose the above motion.

THOMAS JOSEPH

/s/ Timothy Cornell

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