

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
[REDACTED] REGIONAL OFFICE**

[REDACTED],
Appellant,

DOCKET NUMBER
[REDACTED]

v.

DEPARTMENT OF JUSTICE,
Agency.

DATE: October 14, 2009

ORDER

In its October 13, 2009 submission, the agency requested a stay of all discovery, the production of all additional documents and the initiation of settlement discussions until its motion to dismiss was decided. Initial Appeal File (IAF), Tab 3. The agency did not state in its motion whether it had contacted the appellant and whether the appellant had any objection to the motion for a stay, as required by 5 C.F.R. § 1201.55(a). However, an administrative judge has discretion to grant or deny a request for extension of time without providing an opportunity for response by the other party. 5 C.F.R. § 1201.55(b).

The agency's motion for a stay on discovery and on the initiation of settlement discussions is **DENIED**, for lack of a showing of good cause. 5 C.F.R. § 1201.55(c).

The agency's motion to stay the production of additional documents is vague. Presumably, the agency is requesting not to have to provide a complete agency response as specified in the September 29, 2009 Acknowledgment Order. I note that often the agency has evidence of jurisdiction that the appellant does not or is having difficulty locating. On this date I issued an Order to Show Cause which directed the agency to furnish documents relevant to the issue of

jurisdiction and timeliness. Therefore, I find that good cause exists to excuse only that part of the agency response that does not pertain to the issue of jurisdiction or timeliness. The agency's request is otherwise DENIED.

FOR THE BOARD:


Administrative Judge

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

Appellant

Electronic Mail



Agency Representative

Facsimile

Patricia A. Miller
Department of Justice
Federal Bureau of Investigations
935 Pennsylvania Avenue, N.W.
Room PA-400N
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October 14, 2009

(Date)

Paralegal Specialist

