

DAVID NOBLE v. UNITED STATES POSTAL SERVICE

Docket # DC-0752-11-0880-I-1

Request for Extension of Time to File PFR

Summary Page

**Case Title :** DAVID NOBLE v. UNITED STATES POSTAL SERVICE

**Docket Number :** DC-0752-11-0880-I-1

**Pleading Title :** Request for Extension of Time to File PFR

**Filer's Name :** Stephen W. Furgeson

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A

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DAVID NOBLE v. UNITED STATES POSTAL SERVICE

Docket # DC-0752-11-0880-I-1

Request for Extension of Time to File PFR

Online Interview

1. How much additional time is being requested?

25 days

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2. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

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3. Does your pleading assert facts that you know from your personal knowledge?

No

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**Via e-Mail and Priority Mail – Delivery Confirmation**

March 7, 2012

William D. Spencer  
Clerk of the Board  
Merit Systems Protection Board  
1615 M Street, NW.  
Washington, DC 20419

**Re: David Noble, Jr. v. United States Postal Service**  
**MSPB Dkt. No. DC-0752-11-0880-I-1**

Dear Mr. Spencer:

:  
Enclosed are the "Agency's Motion For An Extension Of Time To File A Response To The Appellant's Petition For Review" and a certificate of service in the above-captioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen W. Furgeson".

---

Stephen W. Furgeson  
Attorney

cc: David Noble, Jr.  
1 Fenceline Drive  
Gaithersburg, MD 20878

**UNITED STATES OF AMERICA  
MERIT SYSEMS PROTECTION BOARD  
WASHINGTON REGIONAL OFFICE**

DAVID W. NOBLE, JR., Appellant,	)	
	)	
v.	)	DOCKET NO. DC-0752-11-0880-I-1
UNITED STATES POSTAL SERVICE	)	
Agency.	)	
<hr style="border: 0.5px solid black;"/>		

**AGENCY’S MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE  
TO THE APPELLANT’S PETITION FOR REVIEW**

The United States Postal Service (hereinafter “Postal Service” or “Agency”) hereby pursuant to 5 C.F.R. § 1201.114(e) requests an extension of time to file the Agency’s Response to the Appellant’s Petition For Review (hereinafter referred to as “Petition”) for the following reasons:

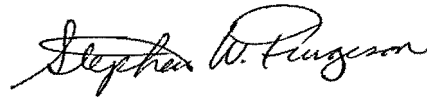
1. The Appellant was granted an additional thirty (30) days to file his Petition and has submitted an extensive and detailed Petition.
2. Moreover, the Agency initiated the process shortly after the Petition was filed to have the official hearing transcript provided to the Agency. The hearing transcript of 330 pages will not be available until March 16, 2012 and the Agency’s response is due on March 19, 2012. See Exhibits 1 and 2. The undersigned Agency counsel does not believe that with his current caseload that it would be possible to adequately prepare a response to the Appellant’s Petition.

3. Also it appears that the "hearing transcript" provided with the Appellant's Petition For Review is not the official transcript and should not be referenced in these proceedings. See 5. C.F.R. § 1201.53(a).
4. Therefore, the Postal Service respectfully requests an additional twenty-five days to file its Response to the Appellant's Petition for Review, up to and including, April 13, 2012.

**DECLARATION UNDER 28 U.S.C. § 1746**

I, Stephen W. Furgeson, do hereby declare:

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.



March 7, 2012  
DATE

Stephen W. Furgeson, Esq.  
Capital Metro Law Office  
U.S. Postal Service  
8200 Corporate Drive  
Landover, MD 20785-2200  
(202) 268-8337 (Phone)  
(651) 306-6526 (Personal FAX)  
(301) 955-0701 (Office FAX)

# Exhibit 1

Best,  
Drew

*Drew Pagano*

Government Case Manager

**Capital Reporting Company**

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1821 Jefferson Place NW, 3<sup>rd</sup> Floor, Washington DC 20036

[www.CapitalReportingCompany.com](http://www.CapitalReportingCompany.com)

 **Offices Nationwide**

**From:** Bell, Phyllis A - Washington, DC [<mailto:Phyllis.A.Bell2@usps.gov>]

**Sent:** Tuesday, February 28, 2012 11:26 AM

**To:** Andrew Pagano

**Cc:** Furgeson, Stephen W - Washington, DC; Bowser, Toni M - Landover, MD

**Subject:** RE: Noble v. USPS Confirmation of Order - 61459

You are welcome.

*Phyllis A. Bell*

*Senior Administrative Assistant*

*USPS Capital Metro Law Office*

*8200 Corporate Drive*

*Landover, MD 20785-2244*

*(202)268-8332*

*(301)955-0701/02 FAX*

*[Phyllis.A.Bell2@usps.gov](mailto:Phyllis.A.Bell2@usps.gov)*

---

**From:** Andrew Pagano [<mailto:apagano@capitalreportingcompany.com>]

**Sent:** Tuesday, February 28, 2012 11:14 AM

**To:** Bell, Phyllis A - Washington, DC

**Cc:** Furgeson, Stephen W - Washington, DC; Bowser, Toni M - Landover, MD

**Subject:** RE: Noble v. USPS Confirmation of Order - 61459

Good Morning Ms. Bell,

I will request a drafted invoice from my Billing Department for the estimate I provided:

Approx 330 pages @ \$4.93 per page = **\$1,626.90**

+Shipping (\$20.00) =

**TOTAL = \*\$1,646.90**

I should be able to get that to you today so you can begin the purchase order process. Thanks, Ms. Bell!

Best,

Drew

*Drew Pagano*

Government Case Manager

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Washington, D.C. Office: (t) 202.857.DEPO (3376) (f) 202.857.8577

1821 Jefferson Place NW, 3<sup>rd</sup> Floor, Washington DC 20036



# Exhibit 2

**Furgeson, Stephen W - Washington, DC**

**From:** Andrew Pagano [apagano@capitalreportingcompany.com]  
**Sent:** Tuesday, March 06, 2012 4:58 PM  
**To:** Bell, Phyllis A - Washington, DC  
**Cc:** Furgeson, Stephen W - Washington, DC; Bowser, Toni M - Landover, MD  
**Subject:** RE: Noble v. USPS Confirmation of Order - 61459

Hi Ms. Bell,

Thanks for letting me know. If we were able to get the transcript to you on Friday, March 16<sup>th</sup>, would that be enough time? That would be the 8<sup>th</sup> business day, the earliest part of the regular turnaround. If that does not work we could have the transcript expedited, however the rate would increase. Let me know what works best for you.

Best,

Drew

*Drew Pagano*

Government Case Manager

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1821 Jefferson Place NW, 3<sup>rd</sup> Floor, Washington DC 20036

[www.CapitalReportingCompany.com](http://www.CapitalReportingCompany.com)

 **Offices Nationwide**

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**From:** Bell, Phyllis A - Washington, DC [mailto:Phyllis.A.Bell2@usps.gov]  
**Sent:** Tuesday, March 06, 2012 3:32 PM  
**To:** Andrew Pagano  
**Cc:** Furgeson, Stephen W - Washington, DC; Bowser, Toni M - Landover, MD  
**Subject:** RE: Noble v. USPS Confirmation of Order - 61459

No - his deadline is March 19th. Is there any way we can expedite it?

*Phyllis A. Bell*

*Senior Administrative Assistant*

*USPS Capital Metro Law Office*

*8200 Corporate Drive*

*Landover, MD 20785-2244*

*(202)268-8332*

*(301)955-0701/02 FAX*

*Phyllis.A.Bell2@usps.gov*

**CERTIFICATE OF SERVICE**

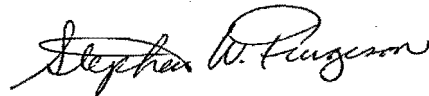
I hereby certify that the "Agency's Motion For An Extension Of Time To File A Response To The Appellant's Petition For Review" was served on this 7<sup>th</sup> day of March 2012, as indicated below, as follows:

**Clerk of the Board—via Priority Mail, Delivery Confirmation and efile**

William D. Spencer  
Clerk of the Board  
Merit Systems Protection Board  
1615 M Street, NW.  
Washington, DC 20419

**Appellant -- via Priority Mail, Delivery Confirmation**

David Noble, Jr.  
1 Fenceline Drive  
Gaithersburg, MD 20878



Stephen W. Furgeson

## **Certificate Of Service**

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Office of the Clerk of the Board	Request for Extension of Time to File PFR	e-Appeal / e-Mail
David Noble, Jr. Appellant	Request for Extension of Time to File PFR	e-Appeal / e-Mail