

Roger D. Fincher, #16090
Law Office of Roger Fincher
1263 SW Topeka Blvd.
Topeka, Kansas 66612
785-430-5770
Attorney for Claimant

**BEFORE THE DIVISION WORKERS' COMPENSATION
OF THE STATE OF KANSAS**

DONALD RAKESTRAW,
Claimant,

vs

CS-00-0483-689

DOT'S PRETZELS, LLC,
Respondent,

and

XL INSURANCE AMERICA INC.,
Insurance Carrier.

MOTION TO EXTEND DEADLINE FOR REGULAR HEARING

COMES NOW the claimant, pursuant to K.S.A. 44-523(f)(1), and moves the court for an extension of the deadlines set forth in the above-mentioned statute for the following reasons:

The claimant is expected to expeditiously move this matter toward regular hearing and/or settlement. It is, however, expected that the claimant may not be able to complete this within the three years from filing the application for hearing due:

1. The nature of the injury being such that the claimant does not reach maximum medical improvement by that deadline;
2. The delay caused by doctors and others in scheduling claimant for ratings and/or independent medical evaluations;
3. The time delaying regular hearing from scheduling issues from court appointed medical evaluations regularly utilized by administrative law judges in Kansas;
4. The delays from scheduling prehearing settlement hearings and regular hearings due to the calendars of the court, the attorneys involved, etc.;

This attorney-filed motion demonstrates Plaintiff was actively represented and that the workers' compensation case timeline and strategy were controlled by counsel. The motion attributes delay to medical evaluations, court scheduling, and procedural constraints, reinforcing that Plaintiff reasonably relied on counsel and the workers' compensation process. This reliance contributed to delayed discovery of separate statutory and civil rights claims, supporting equitable tolling.