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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Hy Cite Corporation, a Wisconsin corporation,
Plaintiff,
vs.
badbusinessbureau.com, L.L.C., a St. Kitts/Nevis Corporation d/b/a badbusinessbureau.com and/or ripoffreport.com and/or badbusinessbureau.com/Rip-Off Report.com;
Xcentric Ventures, L.L.C., an Arizona limited liability company d/b/a badbusinessbureau.com and/or ripoffreport.com and/or badbusinessbureau.com/Rip-Off Report.com; and
Ed Magedson, an Arizona resident,
Defendants.

No. CIV 04-2856-PHX-EHC

ORDER

Pending before the Court is Plaintiff's Application for Entry of Default [dkt. 45] based on Defendants filing an Answer [dkt. 46] two days late. The Court held a hearing concerning this matter on January 30, 2006.

Subsequent to the hearing, Defendants filed a Motion for Enlargement of Time to Answer. [Dkt. 49]. The Motion is fully briefed.

Defendants request that the Court enlarge the time to answer by two days because Defendants' Counsel "neglected to request that staff docket the ten-day time period for filing the answer." [Dkt. 49, p. 2]. Counsel was unable to herself docket the time period


1 because she was in Utah handling another matter. The Court finds that the failure to docket
2 the time period excuses a two-day delay in filing the Answer.

3 Plaintiff contends that Defendants should be required to pay its fees in seeking
4 entry of default and opposing the Motion for Enlargement. Plaintiff, however, could have
5 avoided incurring those fees by stipulating to an extension of time, as Defendants
6 requested on the last day for timely filing the Answer. The Court will not grant Plaintiff the
7 requested attorney fees.

8 Accordingly,
9 **IT IS ORDERED** that Plaintiff's Application for Entry of Default [dkt. 45] is **DENIED**.

10 **IT IS FURTHER ORDERED** that Defendants' Motion for Enlargement of Time to
11 Answer [dkt. 49] is **GRANTED**.

12 DATED this 5th day of April, 2006.

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17 Earl H. Carroll
18 United States District Judge
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