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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ryan Sieloff,
Plaintiff,
vs.
Stryker Corporation; Stryker Sales Corporation,
Defendants.

No. CV-12-01834-PHX-FJM

ORDER

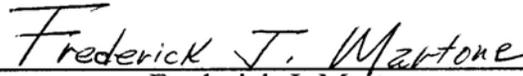
On November 16, 2012, we entered an order granting defendants' motion to dismiss (doc. 11). We now have before us the parties' stipulation to extend the time for plaintiff to respond to defendants' motion to dismiss, which requests that this court vacate that order (doc. 12).

Fed. R. Civ. P. 6(b) provides that when a motion to extend the time for a party to respond is made after the time has expired, as it has here, this court may, for good cause, extend the time to respond "if the party failed to act because of excusable neglect." Here, the parties' stipulation does not indicate that either party failed to act due to excusable neglect. Defendants filed their motion to dismiss on October 16, 2012. Plaintiff's response was due on November 2, 2012. Because plaintiff failed to respond, or to indicate his intent to respond on or before the filing deadline, we disposed of the motion summarily pursuant to LRCiv 7.2(i). Following our order, the parties belatedly informed the court that on two separate

1 occasions they agreed to extend the time in which plaintiff would file his response to
2 defendants' motion to dismiss. For no apparent reason, the parties neglected to file a
3 stipulation with the court each time they agreed to an extension. Because the parties' actions
4 reflect inexcusable neglect, we deny the parties' stipulation to extend the time for plaintiff
5 to respond to defendants' motion to dismiss (doc. 12). Moreover, our previous order (doc.
6 11) fully considered the merits of defendants' motion to dismiss, and thus it is unlikely that
7 plaintiff's response would change the court's decision.

8 **IT IS ORDERED DENYING** the parties' stipulation to extend the time for plaintiff
9 to respond to defendants' motion to dismiss (doc. 12). It is further ordered **DENYING** the
10 parties' request to vacate the order granting defendants' motion to dismiss (doc. 11).

11 DATED this 28th day of November, 2012.

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Frederick J. Martone
United States District Judge