

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 David Kaufman,

10 Plaintiff,

11 v.

12 Warner Bros. Entertainment Incorporated,
13 et al.,

14 Defendants.

No. CV-16-02248-PHX-JAT

ORDER

15 Several motions are pending before the Court. One such motion is Plaintiff's
16 "Motion for Reconsideration" of this Court's summary judgment order. (Doc. 88).
17 Plaintiff does not cite what Rule he moves under. The Court is hesitant to guess which
18 Rule Plaintiff intended to move under because selecting which Rule has significant
19 consequences regarding when an appeal is due.¹ However, Plaintiff puts the Court and
20 Defendant in a difficult position because the various Rules have different response
21 obligations and governing legal standards. *Compare* LR Civ. 7.2(i) and *Motorola, Inc. v.*
22 *J.B. Rogers Mechanical Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003) with Fed.
23 R. Civ. P. 59(e) and *McQuillion v. Duncan*, 343 F.3d 1012, 1014 (9th Cir. 2003); *see also*
24 Fed. R. Civ. Pro. 60(b). Against this background, the Court will not speculate as to
25 which Rule Plaintiff intended to move under; however, the Court will order Defendant to
26 respond. Therefore,

27 **IT IS ORDERED** that Defendant shall respond to the "motion for

28

¹ *See* Fed. R. App. P. 4(a)(4)(A).

1 reconsideration” by November 13, 2018. Any reply is due within 7 days of when the
2 response is filed.

3 **IT IS FURTHER ORDERED** that the motion for extension of time to file a
4 response to the pending motion for attorney’s fees (Doc. 105) is granted to the extent that
5 the response filed at Doc. 106 (plus the two erratas) is deemed to be timely.

6 **IT IS FINALLY ORDERED** that the motion for extension of time to file a reply
7 in support of the motion for attorney’s fees (Doc. 109) is granted to the extent that the
8 reply is due by November 8, 2018.

9 Dated this 31st day of October, 2018.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

