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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ASIA ECONOMIC INSTITUTE, a)
California limited liability)
company, RAYMOND MOBREZ, an)
individual, and ILIANA)
LLANERAS, an individual,)
Plaintiffs,)

Case No: 10-cv-01360 SVW (PJW)

ORDER DENYING DEFENDANTS'
REQUEST TO WAIVE ORAL ARGUMENT
ON MOTION FOR SUMMARY JUDGMENT
[164] AND DENYING PLAINTIFFS'
REQUEST FOR ENLARGEMENT OF TIME
TO FILE BRIEF [165]

v.)

XCENTRIC VENTURES, LLC, an)
Arizona limited liability)
company, d/b/a/ as BADBUSINESS)
BUREAU and/or)
BADBUSINESSBUREAU.COM, and/or)
RIP OFF REPORT and/or RIPOFF)
REPORT.COM; BAD BUSINESS)
BUREAU, LLC, organized and)
existing under the laws of St.)
Kitts/Nevis, West Indies;)
EDWARD MAGEDSON, an individual,)
and DOES 1 through 100,)
inclusive,)
Defendants.)

I. BACKGROUND

Plaintiffs Asia Economic Institute, LLC and its principals,
Raymond Mobrez and Iliana Llaneras (collectively, "Plaintiffs")
brought this action on January 27, 2010. The case was removed to this

1 Court in February 2010 on the grounds of both federal question and
2 diversity jurisdiction. Plaintiffs generally allege that Defendants
3 Xcentric Ventures, LLC, Bad Business Bureau, LLC, and Edward Magedson
4 (collectively "Defendants") own and operate a website at
5 www.RipoffReport.com and that defamatory comments regarding Plaintiffs
6 were posted on the website.

7 At a hearing held on September 20, 2010, the Court ordered
8 Defendants to file a motion for summary judgment on all remaining
9 counts. Defendants filed their Motion for Summary Judgment as to
10 Entire Case on September 27, 2010. [Docket no. 145]. Plaintiffs'
11 opposition to this motion was due by October 4, 2010. In the interim,
12 Defendants filed a Motion to Strike (which included Anti-SLAPP
13 allegations) and two separate Motions for Sanctions Pursuant to Fed.
14 R. Civ. P. 11. [Docket nos. 154, 157, 158]. While Plaintiffs did not
15 file an opposition to the motion for summary judgment per se, they did
16 file a Request for Judicial Notice in Opposition to Defendants' Motion
17 for Summary Judgment on October 4. [Docket no. 159]. Plaintiffs also
18 filed two timely declarations on October 4. [Docket nos. 160-61].
19 Subsequently, Plaintiffs filed an additional untimely declaration on
20 October 5 with several exhibits attached. [Docket no. 162]. Plaintiffs
21 also filed an untimely Statement of Genuine Issues in Support of
22 Plaintiff's Opposition to Summary Judgment as to Entire Case on
23 October 6. [Docket no. 163].

24 On October 6, 2010, Defendants filed a Request to Waive Oral
25 Argument on Defendants' Motion for Summary Judgment. [Docket no. 164].
26 Plaintiffs filed an opposition to this request in which Plaintiffs
27 also contained a Request for Enlargement of Time to File Brief,
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1 seeking additional time to file a more robust opposition to
2 Defendants' motion for summary judgment. [Docket no. 165]. For the
3 reasons stated herein, both the Request to Waive Oral Argument and the
4 Request to Enlarge Time are DENIED. However, the Court will accept the
5 Plaintiffs' filings made on October 5 and 6, 2010.

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7 **II. DEFENDANTS' REQUEST TO WAIVE ORAL ARGUMENT**

8 Local Rule 7-15 provides that "The Court may dispense with oral
9 argument on any motion except where an oral hearing is required by
10 statute, the F.R.Civ.P. or these Local Rules." Defendants contend that
11 the Court should exercise its discretion to dispense with oral
12 argument here because their Motion for Summary Judgment is unopposed.
13 The Court declines to do so.

14 While Plaintiffs have not filed a detailed opposition to the
15 summary judgment motion, Plaintiffs have filed declarations, a request
16 for judicial notice, and a separate statement in opposition. [Docket
17 no. 159]. In their filings, Plaintiffs have identified the areas in
18 which they believe there are material disputes sufficient to deny
19 summary judgment. Thus, the motion is not unopposed as Defendants
20 maintain. While the Plaintiffs' additional filings on October 5 and 6
21 were slightly untimely, there is no prejudicial effect to admitting
22 them. Defendants did not have an additional filing imminently pending
23 at the time of the filings, and ample time remained for Defendants to
24 review them before filing their Reply, which was not required to be
25 submitted until October 12.

26 The Court believes that a hearing on the motion will be of
27 benefit and oral argument will not be waived.

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2 **III. PLAINTIFFS' REQUEST FOR ENLARGEMENT OF TIME TO FILE BRIEF**

3 Depending on the circumstances and court discretion, Fed. R. Civ.
4 P. 6(b)(1) permits extensions of time to file briefs for good cause.
5 Rule 6(1)(A) permits such extensions "with or without motion or notice
6 if the court acts, or if a request is made, before the original time
7 or its extension expires." However, where a deadline has already
8 passed, Rule 6(b)(1)(B) permits extensions only "on motion made after
9 the time has expired if the party failed to act because of excusable
10 neglect."

11 Here, Plaintiffs have not identified a sufficient basis for
12 granting an enlargement of time. Rather, Plaintiffs cite only the fact
13 that "Defendants filed 3 additional motions during the one week that
14 Plaintiffs were given to file their opposition to the motion for
15 summary judgment that were not expressly ordered by the Court." (Pl.
16 Req. for Enl. at 1). The Court is not persuaded that Defendants'
17 allegedly aggressive tactics justified the Plaintiffs' inability to
18 meet deadlines or that excusable neglect can be found here. At the
19 very least, Plaintiffs could have petitioned the Court for an
20 extension prior to the deadline's passing. All of Defendants' motions
21 to which Plaintiffs now object were filed on or before September 30,
22 leaving Plaintiffs several days to petition the Court for an
23 enlargement prior to the October 4 deadline. In any event, Plaintiffs
24 did file a Request for Judicial Notice in Opposition to Defendants'
25 Motion for Summary Judgment, several declarations, and a Statement of
26 Genuine Issues. The Court has accepted these filings in opposition to
27 the motion for summary judgment despite the fact that several were
28 untimely.

1 The Court will not grant an enlargement, nor will it accept
2 additional untimely filings in opposition.

3
4 **IV. CONCLUSION**

5 For the foregoing reasons, the Court DENIES both Defendants'
6 Request to Waive Oral Argument and Plaintiffs' Request for Enlargement
7 of Time to File Brief. However, the Court will consider the additional
8 filings made by Plaintiffs on October 5 and 6 in entertaining
9 Defendants' Motion for Summary Judgment as to Entire Case. The hearing
10 remains scheduled for Monday, November 1, 2010 at 1:30 p.m.

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12 IT IS SO ORDERED.

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15 DATED: October 25, 2010



STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE