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8 Attorneys for Defendants FREDERICK WILLIAMS, HAYWOOD IRVING, DAVID WILKIN,
 9 and BERNARD FINLEY

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 DEON WADE,
 13 Plaintiff,

14 v.

15 FRESNO POLICE DEPARTMENT; OFFICER
 16 FREDRICK WILLIAMS; OFFICER
 17 HAYWOOD IRVING; OFFICER DAVID
 18 WILKIN AND OFFICER BERNARD
 19 FINLEY,
 20 Defendants.

) Case No.: 1:09-CV-00599 AWI-DLB
)
)

) **EX PARTE APPLICATION**
) **REQUESTING EXTENSION OF 5 DAYS**
) **TO FILE DEFENDANTS' MOTION FOR**
) **SUMMARY JUDGMENT;**
) **and DECLARATION OF**
) **ERICA M. CAMARENA IN SUPPORT**
) **OF SAME; and PROPOSED ORDER**

) **Local Rule 144(c) (Fed. R. Civ. P. 6)**
)

) **Date: No Hearing Date OR Notice Required**
) **Pursuant to Eastern District Local Rule**
) **230(l) (Fed. R. Civ. P 78)**

) **Honorable District Court Judge**
) **Anthony W. Ishii**

) **Action Filed: 04/03/09**
)

23 Defendants hereby request, ex parte, an initial extension of time to file their dispositive
 24 motion, currently due on May 27, 2011.

25 The Court may, in its discretion, grant an initial extension ex parte upon the affidavit of
 26 counsel that a stipulation extending time cannot reasonably be obtained, explaining the reason why
 27 such stipulation cannot be obtained and the reasons why the extension is necessary. Except for one
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1 such initial extension, ex parte applications for extensions of time are not ordinarily granted. United
2 States District Court for the Eastern District of California, Local Rule 144(c).

3 Defendants assert that a stipulation cannot reasonably be obtained before the expiration of
4 the deadline date as Plaintiff is currently incarcerated at the Susanville High Desert State Prison; and
5 not readily accessible to communicate with regarding this matter.

6 There is no prejudice to Plaintiff since there is no trial date or motion hearing date currently
7 scheduled. Defendants are only requesting a five-day extension as the majority of their
8 memorandum of points and authorities is already completed and all declarations have been signed.
9 However, due to the extreme budget cuts and layoffs the City of Fresno has been experiencing,
10 weighed with the overwhelming amount of new cases filed, staffing issues have contributed to the
11 delay in finalizing the motion.

12 **DECLARATION OF ERICA M. CAMARENA**

13 I, Erica M. Camarena, hereby submit the following declaration in support of Defendants’
14 ex parte request for extension of time to file dispositive motion:

15 1. I am a Deputy City Attorney for the City of Fresno, duly licensed to practice law
16 in the State of California and attorney for defendants, Fresno Police Officers FREDERICK
17 WILLIAMS, HAYWOOD IRVING, DAVID WILKIN and BERNARD FINLEY, (hereinafter
18 “Defendants”) in the above-entitled action. I have personal knowledge of the following and if
19 called as a witness could competently testify thereto, except as to those matters stated on
20 information and belief:

21 2. Due to the extreme budget cuts and layoffs the City of Fresno has been
22 experiencing, weighed with the overwhelming amount of new cases filed, staffing issues have
23 contributed to the delay in finalizing the motion.

24 3. This is Defendants’ first request for an extension of time.

25 4. Plaintiff has previously requested and received extensions of time. (Doc. No. 37 and
26 56). Local Rule, 144(b).

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1 I declare under penalty of perjury under the laws of the United States of America, that the
2 foregoing is true and correct, and that this declaration was executed on May 26, 2011 at Fresno,
3 California.

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5 By: /S/ Erica M. Camarena
6 ERICA M. CAMARENA
7 Deputy City Attorney

8 Attorney for Defendants

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10 **PROPOSED ORDER**

11 Good cause having been shown, the Court hereby GRANTS Defendants' first ex parte
12 application requesting an extension of five days to file a dispositive motion. Defendants shall
13 file their motion on or by June 1, 2011.

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15 IT IS SO ORDERED.

16 Dated: May 26, 2011

17 
18 CHIEF UNITED STATES DISTRICT JUDGE