



1 opening brief be extended to February 2, 2011. The parties did not address the tardiness of their  
2 request or otherwise explain their delay. (Doc. 15.)

3 The parties are directed to Local Rule 144, which provides, in pertinent part:

4 **(d) Time for Requesting Extensions.** Counsel shall seek to obtain a  
5 necessary extension from the Court or from other counsel or parties in an action as  
6 soon as the need for an extension becomes apparent. Requests for Court-  
approved extensions brought on the required filing date for the pleading or other  
document are looked upon with disfavor.

7 The Court is concerned with the growing number of stipulations submitted by Plaintiff's  
8 attorney to extend time that are filed after the related deadlines, and is particularly troubled given  
9 an order to show cause has been previously issued in this case. Most troubling is that Plaintiff  
10 has failed to again, address the tardiness of the request. In the future, this Court will consider  
11 sanctioning any counsel who continue or persist in presenting stipulations or requests for an  
12 extension of time in this manner.

13 Here, the Court has considered the Stipulation filed January 4, 2011, and **GRANTS** it **IN**  
14 **PART** as follows:

- 15 1. Plaintiff shall file opening brief no later than **January 18, 2011**;
- 16 2. Thereafter, the remaining deadlines and due dates referenced in the Scheduling  
17 Order dated March 31, 2010 (*see* Doc. 7, ¶¶ 7-8), will remain in effect.

18 IT IS SO ORDERED.

19 **Dated: January 5, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE