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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**PAMELA J. FOX, ON BEHALF OF
HERSELF AND AS NEXT FRIEND TO
D.M.R., A MINOR,**

Plaintiffs,

vs.

**COUNTY OF TULARE, LETICIA
CASTANEDA, ERICA SOTO, RON
CASTANEDA, JULIA LANGLEY, CAROL
HELDING, JOHN ROZUM, STEVEN D.
RODGERS and DOES 1-100,**

Defendants.

1:11-cv-0520 AWI SMS

**EX PARTE APPLICATION FOR
EXTENSION OF TIME TO FILE REPLY
AND ORDER THEREON**

EX PARTE APPLICATION FOR EXTENSION OF TIME FOR REPLY

Defendants, LETICIA CASTANEDA, ERICA SOTO, and RON CASTANEDA, hereby apply to this Court for an order extending the deadline for filing their reply to plaintiffs' opposition to the motion for summary judgment/summary adjudication on the grounds that good cause exists for extending the time within which Defendants may reply to Plaintiffs' opposition. Good caused is due to the length of Plaintiffs' points and authorities (50 pages), the number of Plaintiffs' exhibits (160) and the time-consuming effort to identify Plaintiffs' evidence which routinely does not include citations to specific exhibits or documents. [See Doc. 207 and 232]

1 BACKGROUND

2 Plaintiff, PAMELA FOX, on behalf of herself and minor CMR, filed a complaint for
3 damages against Defendants on March 24, 2011. Defendants filed their motion for summary
4 judgment/adjudication of issues on January 21, 2014. Plaintiffs' opposition was due on February
5 14, 2014. Plaintiffs were subsequently granted two separate requests for extensions of time to
6 oppose the motion. [Docs. 188 and 201] The deadline for filing the opposition was extended to
7 April 17, 2014; and Defendants reply to the opposition was to be filed on or before May 2, 2014.
8 [Doc. 201] In that Order, the Court stated, "Further extension of time will not be granted for
9 submissions of Plaintiffs' [sic] opposition, however Defendants may move for a one week
10 further extension of time to reply." Defendants hereby request an extension of one week to reply
11 to Plaintiffs' opposing papers, to be filed and served on or before May 9, 2014.

12 LAW AND ARGUMENT

13 A. A Request for Extension of Time to Plead May Be Made by Ex Parte Application.

14 A schedule may be modified for good cause and with the Judge's consent. Fed. R. Civ.
15 P. 16(b)(4). An ex parte application is recognized as an appropriate procedure for seeking an
16 extension of time to file a pleading. *Gallo Winery v. Andina Licores S.A.*, 2006 U.S. Dist. Lexis
17 20113, *1-2 (E.D. Cal. 2006); *Hall v. Placer County Sheriff's Department*, 2013 U.S. Dist. Lexis
18 114348, *1 (E.D. Cal. 2013); *Stewart v. Wachowski*, 2005 U.S. Dist. Lexis 46704, *33 (C.D. Cal.
19 2005).

20 An ex parte motion is proper where the court does not typically need an adversary
21 presentation from the other side in order to make its ruling. *In Re Intermagnetics America, Inc.*
22 (C.D. Cal. 1989) 101 B.R. 191, 193.

23 B. Good Cause Exists for Extending the Deadline for Filing Defendants' Reply.

24 The moving parties should be allowed relief by ex parte motion because this Court has
25 previously granted Plaintiffs two extensions of time to file their opposition and has indicated in
26 its order of March 7, 2014, that an extension of one week for Defendants to serve and file their
27 reply would be permitted upon request. [Doc. 201]

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ORDER GRANTING EX PARTE APPLICATION

Defendants having shown good cause for the extension of time to file their reply to plaintiffs' opposition to the motion for summary judgment/summary adjudication, this Court grants Defendants' ex parte application and orders Defendants' reply to be filed and served on or before May 9, 2014.

IT IS SO ORDERED.

Dated: April 30, 2014



SENIOR DISTRICT JUDGE