

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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

**ORDER ON PLAINTIFFS' REQUEST
FOR RELIEF PURSUANT TO F.R.C.P.
60(B)(1) AND EXTENSION OF TIME TO
FILE CORRECTED PLEADING**

Doc. # 234

Recently, the court filed an order granting Defendants' ex parte request to extend time to file a reply to Plaintiff's opposition to Defendants' motion for summary judgment. Doc.# 239. In so doing, the court overlooked Plaintiffs' request to correct errors in a pleading pursuant to Rule 60(b)(1) and for a one-week extension of time to file an amended document correcting errors arising from excusable neglect. The court notes that the errors Plaintiffs seek leave to correct are, to a significant extent, omissions or errors that formed part of the reason Defendants sought extension of time to file their reply. It appears, therefore, that a grant of relief pursuant to Rule 60(b)(1) will benefit all parties as well as the court. There being no apparent prejudice and considerable benefit to all parties, Plaintiffs' request for relief will be granted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THEREFORE, it is hereby ORDERED that Plaintiffs' request for relief pursuant to F.R.C.P. 60(b)(1) is hereby GRANTED. Any corrected or amended pleading shall be filed and served within five (5) days of service of this order. The court's prior order granting Defendants' request for extension of time to file a reply, Doc. # 239, is hereby AMENDED to the extent that the extension of time to file the reply shall begin to run as of the time Plaintiffs file and serve their amended pleading pursuant to this order.

IT IS SO ORDERED.

Dated: May 2, 2014



SENIOR DISTRICT JUDGE