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9 Attorneys for Defendant  
10 AMERICAN CONTRACTORS INDEMNITY COMPANY

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES, For the Use of  
14 MARKO CONSTRUCTION GROUP,  
15 INC., a California corporation,

16 Plaintiff,

17 v.

18 FALCON BUILDERS & DEVELOPERS  
19 INC., a California corporation;  
20 AMERICAN CONTRACTORS  
21 INDEMNITY COMPANY, a California  
22 corporation,

23 Defendants.

CASE NO.: 1:16-CV-00327-LJO-SKO  
**ORDER GRANTING STIPULATED  
REQUEST TO CONTINUE THE  
DEADLINE FOR RESPONSIVE  
PLEADINGS**

(Doc. 9)

24 Plaintiff United States, for the use of Marko Construction Group, Inc. (“Plaintiff”),  
25 filed its complaint on March 9, 2016. (Doc. 1.) Pursuant to the Return of Service filed  
26 May 31, 2016, Defendant American Contractors Indemnity Company (“Defendant  
27  
28

1 ACIC”) was served by serving its “Licensee Agent as person in charge of the business”  
 2 on May 6, 2016. (Doc. 7.)<sup>1</sup> Defendant’s responsive pleading was therefore due twenty-  
 3 one (21) days after service, or May 27, 2016. Fed. R. Civ. P. 12(a)(1)(A)(i).

4 The parties filed a “Stipulation to Continue the Deadline for Responsive  
 5 Pleadings” on June 10, 2016, two weeks after the responsive pleading deadline.

6 Although the Court may extend time to file a responsive pleading after the deadline  
 7 has expired because of “excusable neglect,” Fed. R. Civ. P. 6(b)(1)(B), no such excusable  
 8 neglect has been articulated – much less shown – here. Notwithstanding this deficiency,  
 9 given the absence of bad faith or prejudice to Plaintiff (as evidenced by the parties’  
 10 agreement to the extension of time), and in view of the liberal construction of Fed. R.  
 11 Civ. 6(b)(1) to effectuate the general purpose of seeing that cases are tried on the merits,  
 12 *see Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010), the Court  
 13 GRANTS the parties’ stipulated request. The parties are cautioned that future post hoc  
 14 request for extensions of time will be viewed with disfavor.

15 IT IS HEREBY ORDERED that Defendant ACIC shall file its responsive pleading  
 16 by no later than June 17, 2016. This extension does not impact or change any event or  
 17 deadline already set by the Court.

18  
 19 IT IS SO ORDERED.

20 Dated: June 13, 2016

20 /s/ Sheila K. Oberto  
 21 UNITED STATES MAGISTRATE JUDGE

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 23  
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 26  
 27 <sup>1</sup> Defendant Falcon Builders & Developers, Inc. (“Defendant Falcon”) was served by serving its agent  
 28 for service of process on April 10, 2016. (Doc. 4.) Plaintiff requested entry of default, and default was  
 entered against Defendant Falcon, on May 3, 2016. (Docs. 5, 6.)