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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CHARLES ACE COOK, JR,	)	CASE NO. 1:16-cv-00429-DAD-JLT
	)	
Plaintiff,	)	<b>ORDER EXTENDING TIME FOR</b>
	)	<b>DEFENDANTS' RESPONSE TO SECOND</b>
vs.	)	<b>AMENDED COMPLAINT</b>
	)	
CITY OF CALIFORNIA CITY, et al.	)	<b>(Doc. 50)</b>
	)	
Defendants.	)	
	)	

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On December 29, 2016, counsel filed a stipulation to continue the scheduling conference based upon the representation by the defendants that they intended to filed motions to dismiss or motions to strike the second amended complaint. (Doc. 47 at 2-3) The second amended complaint had been filed just the day before but, apparently, the defendants had sufficient time to review the complaint and to determine that it suffered from one or more pleading defect. The Court granted the continuance. (Doc. 49)

Now, exactly one week later, counsel filed another stipulation. (Doc. 50) In this one, they seek to extend the deadline by which the defendants must file their responsive pleadings. Id. In support of the extension, defense counsel indicate that due to the length of the second amended complaint, they need “additional time to evaluate” the complaint. Id. The Court is at a loss to understand how they knew on December 29<sup>th</sup> that the complaint was infirm but now need more

1 time to “evaluate” it. Furthermore, they offer no explanation for their piecemeal approach when  
2 presenting their stipulations to this Court.

3 Nevertheless, the Court will grant the stipulation. However, counsel are advised that the  
4 Court **will not** entertain any further stipulations that seek to delay responding to the complaint or to  
5 delay scheduling this case. The scheduling conference will go forward on March 29 regardless of  
6 whether the defendants file motions to dismiss or strike, regardless of whether these motions have  
7 been heard and regardless of whether the motions have been decided. Thus, the defendants are  
8 strongly urged to expedite their “evaluation” of the complaint and to respond immediately.

9 **ORDER**

10 Based upon the foregoing, the Court **ORDERS**:

11 1. The stipulation (Doc. 50) is **GRANTED**. The defendants **SHALL** file their  
12 responsive pleading no later than January 25, 2017.

13  
14 IT IS SO ORDERED.

15 Dated: **January 5, 2017**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE