

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GSF NUT COMPANY, LLC, a California  
limited liability company,  
  
Plaintiff,  
  
v.  
  
HONG KONG BIN GUO INTERNATIONAL  
TRADING LIMITED, a Chinese  
corporation, HEBEI YANG YUAN ZHI HUI  
YIN PIN GU FEN YOU XIAN GONG SI, a  
Chinese corporation, and DOES 1 to 50,  
(inclusively),  
  
Defendants.

Case No. 1:16-cv-00501-LJO-MJS  
  
**ORDER DENYING SECOND  
STIPULATION FOR EXTENSION OF  
TIME TO FILE FIRST AMENDED  
COMPLAINT AND RESPONSIVE  
PLEADING THERETO**

Plaintiff GSF Nut Company, LLC's ("GSF") and Defendant Hebei Yang Yuan Zhi Hui Yin Pin Gu Fen You Xian Gong Si ("Hebei") have asked the Court to approve their Stipulation to extend until December 1, 2017 the time for GSF to file an amended complaint and to December 29, 2017 the time for Hebei to file a responsive pleading to the amended complaint.( ECF No. 38.)

The said Stipulation is rejected.

GSF shall have 10 days from the date of this Order to file the amended compliant

1 the parties have agreed may be filed, and Hebei shall have until November 27, 2017 to  
2 file its response to the amended complaint.

3 This case has been pending since April 8, 2016. Hebei was served with GSF's  
4 Complaint (ECF No. 1) and the Court Summons (ECF No. 3) on July 19, 2017. There  
5 have been **multiple** extensions of time in this case, several before Hebei was served  
6 and some after. While the Court appreciates the unique circumstances which apparently  
7 prompted early requests for extensions and certainly encourages the parties' efforts to  
8 resolve the case without further litigation, the case has been pending too long without  
9 substantive development. It is time to move it along. Getting the pleadings at issue  
10 should not substantively interfere with efforts to settle the case.

11 Accordingly, IT IS HEREBY ORDERED:

- 12 1. GFS's amended complaint must be filed and served within ten days of  
13 the date of this Order; and,
- 14 2. Hebei shall have until November 27, 2017, to file a responsive pleading  
15 to GSF's amended complaint.

16  
17 IT IS SO ORDERED.

18 Dated: October 17, 2017

19 /s/ Michael J. Seng  
20 UNITED STATES MAGISTRATE JUDGE