

1 Tanya E. Moore, SBN 206683
MOORE LAW FIRM, P.C.
2 332 North Second Street
San Jose, California 95112
3 Telephone (408) 298-2000
Facsimile (408) 298-6046
4 Email: tanya@moorelawfirm.com

5 Attorney for Plaintiff
Hendrik Block
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 HENDRIK BLOCK,
12 Plaintiff,
13 vs.
14 HAGOP VARTANIAN dba PUBLIC
AUCTION R US, et al.,
15 Defendants.
16
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) No. 1:16-cv-00650-LJO-SKO
)
) **STIPULATION FOR EXTENSION OF**
) **TIME FOR ALL DEFENDANTS TO**
) **RESPOND TO COMPLAINT IN EXCESS**
) **OF 28 DAYS; ORDER**

1 **IT IS HEREBY STIPULATED** by and between Plaintiff Hendrik Block and
2 Defendants Hagop Vartanian dba Public Auction R Us, Gary Christian, and Bonnie M.
3 Christian (collectively “Defendants”), by and through their counsel of record, that pursuant to
4 Federal Rule of Civil Procedure 6(a) and Local Rule 144(a), Defendants may have to and
5 including July 29, 2016 to file a responsive pleading in this matter. This extension of time is
6 Defendants’ first extension and does not alter the date of any event or any deadline already
7 fixed by Court order, but does exceed twenty-eight (28) days. Good cause for this extension
8 exists as the parties are currently engaging in settlement discussions and wish to exhaust such
9 efforts before incurring the fees and costs associated with the responsive pleadings.

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11 Date: June 21, 2016

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff,
Hendrik Block

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17 Date: June 21, 2016

PURVIS & ELDER, LLP

/s/ Michael L. Elder

Michael L. Elder
Attorneys for Defendants,
Hagop Vartanian dba Public Auction R Us,
Gary Christian, and Bonnie M. Christian

1 **ORDER**

2 Plaintiff Hendrik Block (“Plaintiff”) filed his complaint on May 9, 2016. (Doc. 1.)
3 Defendant Gary Christian (“Mr. Christian”) was personally served on May 17, 2016. (Doc. 4.)
4 Mr. Christian’s responsive pleading was therefore due twenty-one (21) days after service, or
5 June 7, 2016. Fed. R. Civ. P. 12(a)(1)(A)(i).

6 The parties filed the above “Stipulation for Extension of Time for All Defendants to
7 Respond to Complaint in Excess of 28 Days” on June 21, 2016, two weeks after Mr. Christian’s
8 responsive pleading deadline.¹ Although the Court may extend time to file a responsive
9 pleading after the deadline has expired because of “excusable neglect,” Fed. R. Civ. P.
10 6(b)(1)(B), no such excusable neglect has been articulated – much less shown – here.
11 Notwithstanding this deficiency, given the absence of bad faith or prejudice to Plaintiff (as
12 evidenced by the parties’ agreement to the extension of time), and in view of the liberal
13 construction of Fed. R. Civ. 6(b)(1) to effectuate the general purpose of seeing that cases are
14 tried on the merits, see *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir.
15 2010), the Court GRANTS the parties’ stipulated request. *The parties are cautioned that future*
16 *post hoc request for extensions of time will be viewed with disfavor.*

17 **IT IS HEREBY ORDERED** that Defendants Hagop Vartanian dba Public Auction R
18 Us, Gary Christian, and Bonnie M. Christian shall have to and including July 29, 2016, within
19 which to file a responsive pleading.

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21 IT IS SO ORDERED.

22 Dated: June 23, 2016

23 /s/ Sheila K. Oberto
24 UNITED STATES MAGISTRATE JUDGE

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¹ The responsive pleading deadlines for the other defendants, Hagop Vartanian d/b/a Public Auction R Us and Bonnie M. Christian, have not yet expired. (*See* Docs. 5 and 6.)