

1 Tanya E. Moore, SBN 206683
Zachary M. Best, SBN 166035
2 MISSION LAW FIRM, A.P.C.
332 North Second Street
3 San Jose, California 95112
Telephone (408) 298-2000
4 Facsimile (408) 298-6046
Email: service@mission.legal

5 Attorneys for Plaintiff
6 Jose Acosta

7
8 **UNITED STATES DISTRICT COURT**
9
10 **EASTERN DISTRICT OF CALIFORNIA**

11 JOSE ACOSTA,

12 Plaintiff,

13 vs.

14 DAVID PEREZ dba SUMNER'S SCHWINN)
BICYCLE SHOP, et al.,)

15)
16 Defendants.)
17)

) No. 1:16-cv-01738-LJO-SAB
)
)

) **SECOND STIPULATION FOR**
) **EXTENSION OF TIME FOR**
) **DEFENDANTS RICHARD S. EMLER**
) **AND HONORINA EMLER TO RESPOND**
) **TO COMPLAINT; ORDER**

1 **WHEREAS**, Plaintiff Jose Acosta (“Plaintiff”), by and through his attorneys of record,
2 and Defendants Richard S. Emler and Honorina Emler (“Defendants,” and together with
3 Plaintiff, “the Parties”), by and through their counsel of record, previously entered into a
4 stipulation granting Defendants to and including January 9, 2017 to file a responsive pleading
5 in this matter (Dkt. 8);

6 **WHEREAS**, the Parties, along with defendants David Perez and Linda Perez, both dba
7 Sumner’s Schwinn Bicycle Shop, have reached an agreement to settle the matter and a
8 settlement agreement has been circulated for signatures, and the Parties desire to conserve
9 attorney’s fees which would be incurred in filing the responsive pleading while they finalize the
10 settlement;

11 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties
12 that Defendants may have to and including January 31, 2017 to file a responsive pleading in
13 this matter. This extension of time does not alter the date of any event or any deadline already
14 fixed by Court order, including the due date of the joint scheduling report which will also be
15 filed on January 31, 2017 in the event the settlement is not finalized.

16
17 Dated: January 19, 2017

MISSION LAW FIRM, A.P.C.

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19 /s/ Tanya E. Moore

Tanya E. Moore
Attorneys for Plaintiff
Jose Acosta

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21
22 Dated: January 19, 2017

KAPETAN BROTHERS, LLP

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24 /s/ Marc N. Kapetan

Marc N. Kapetan
Attorney for Defendants
Richard S. Emler and Honorina Emler

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ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that Defendants, Richard S. Emler and Honorina Emler, shall have to and including January 31, 2017 within which to file a responsive pleading.

IT IS SO ORDERED.

Dated: January 19, 2017



UNITED STATES MAGISTRATE JUDGE