

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

ERIKA PETERSON, individually and on behalf  
of all other similarly situated,

Plaintiff,

v.

ENHANCED RECOVERY COMPANY,  
LLC,

Defendant.

Case No. 1:17-cv-00499-LJO-SKO

ORDER GRANTING SECOND  
EXTENSION OF TIME FOR ENHANCED  
RECOVERY COMPANY, LLC TO  
RESPOND TO PLAINTIFF'S  
COMPLAINT

Plaintiff Erika Peterson filed her complaint on April 7, 2017. (Doc. 1.) On May 17, 2017, the parties filed an initial stipulation extending time for Defendant Enhanced Recovery Company, LLC to file its responsive pleading by fourteen (14) days, to May 31, 2017 (the "Stipulation"). (Doc. 5.) Pursuant to Rule 144(a) of the Local Rules of the United States District Court, Eastern District of California (the "Local Rules" or "L.R."), because the Stipulation was the first request for enlargement of time and was signed on behalf of all parties who have appeared in the action, no Court approval was necessary. L.R. 144(a).

1 The parties filed a “Stipulation for Second Extension of Time for Enhanced Recovery  
2 Company, LLC to Response to Plaintiff’s Complaint,” seeking to extend Defendant’s responsive  
3 pleading to June 14, 2017, on June 1, 2017, one day after Defendant’s responsive pleading  
4 deadline. (Doc. 7.) Although the Court may extend time to file a responsive pleading after the  
5 deadline has expired because of “excusable neglect,” Fed. R. Civ. P. 6(b)(1)(B), no such  
6 excusable neglect has been articulated—much less shown—here. Notwithstanding this  
7 deficiency, given the absence of bad faith or prejudice to Plaintiff (as evidenced by the parties’  
8 agreement to the extension of time), and in view of the liberal construction of Fed. R. Civ.  
9 6(b)(1) to effectuate the general purpose of seeing that cases are tried on the merits, *see*  
10 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010), the Court GRANTS  
11 the parties’ stipulated request. *The parties are cautioned that future post hoc request for*  
12 *extensions of time will be viewed with disfavor.*

13 Accordingly, IT IS HEREBY ORDERED that Defendant Enhanced Recovery Company,  
14 LLC shall file its responsive pleading by no later than June 14, 2017. This extension does not  
15 impact or change any event or deadline already set by the Court.  
16

17 IT IS SO ORDERED.

18 Dated: June 5, 2017

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE