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

PATRICK J. CAVANAUGH,	)	Case No.: 1:17-cv-00832-DAD- JLT
Plaintiff,	)	
v.	)	ORDER GRANTING DEFENDANT WESTERN STATES INTERNATIONAL INC.'S EX PARTE APPLICATION FOR A SECOND EXTENSION OF TIME TO FILE THE RESPONSIVE PLEADING
DONNY YOUNGBLOOD, et al.,	)	
Defendants.	)	(Doc. 26)
	)	

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Defendants Stirling Price, David Landrum, David Fennell, Dillion Morgan, and Christopher Guzman seek a second extension of time to respond to the complaint, requesting the Court extend the deadline by one week from December 15, 2017 to December 22, 2017. (Doc. 26 at 2) Defendants’ counsel, Lisa Tillman, reports that the parties have been meeting and conferring regarding “challenges to the sufficiency of the complaint in the hopes of avoiding the need for a motion to dismiss.” (Doc. 26 at 3, Tillman Decl. ¶ 2) Ms. Tillman reports that as of December 14, 2017, the parties “continue[] to consider various judicial decisions addressing legal points raised in the meet-and-confer.” (*Id.*, ¶5) As a result, Plaintiff’s counsel, Ken Karan, “stipulate[d] to another one-week extension of the deadline for Defendants’ response to the complaint.” (*Id.*)

Pursuant to Local Rule 144(c), “The Court may, in its discretion, grant an initial extension *ex parte* upon the affidavit of counsel that a stipulation extending time cannot reasonably be obtained, explaining the reasons why such a stipulation cannot be obtained and the reasons why the extension is

1 necessary.” Here, although Defendants have not filed a stipulation, Ms. Tillman reports under penalty  
2 of perjury that counsel for Plaintiff has stipulated to the extension. (Doc. 26 at 3, ¶ 5) In addition,  
3 Defendants have explained the extension is necessary for the parties to continue their efforts to confer  
4 regarding Defendants’ anticipated response to the complaint.

5 Based upon the stipulation of the parties and good cause appearing, the Court **ORDERS:**

- 6 1. Defendants’ ex parte application for an extension of time (Doc. 26) is **GRANTED**; and
- 7 2. Defendants Stirling Price, David Landrum, David Fennell, Dillion Morgan, and  
8 Christopher Guzman **SHALL** file a responsive pleading no later than  
9 **December 22, 2017.**

10  
11 IT IS SO ORDERED.

12 Dated: December 16, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE