

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

CYNTHIA HOPSON,  
Plaintiff,  
v.  
VILLAGE GAS N MART INC., et al.,  
Defendants.

Case No. 1:17-cv-01758-DAD-SAB

ORDER EXTENDING TIME TO FILE  
DISPOSITIONAL DOCUMENTS AND  
REQUIRING PLAINTIFF’S COUNSEL TO  
FILE AN ACKNOWLEDGEMENT AND  
ATTESTATION

On April 9, 2018, Plaintiff filed a notice of settlement and requested sixty days to file dispositional documents. (ECF No. 12.) On April 10, 2018, the Court ordered Plaintiff to file dispositional documents by June 11, 2018. (ECF No. 13.) On June 12, 2018, Plaintiff filed a request to extend the time to file dispositional documents. (ECF No. 14.) Therefore, Plaintiff’s request to extend the deadline was filed after the deadline had expired.

The Court will grant Plaintiff an extension of time to file the dispositional documents, but Plaintiff’s counsel, Daniel Malakauskas, is reminded that requests to extend a deadline should be made before the expiration of the deadline. Requests to extend a deadline that are made on the eve of a deadline will be looked upon with disfavor and may be denied absent good cause for the delay in seeking an extension. If a request to extend a deadline is made after a deadline has passed, the party seeking an extension must show additional good cause why the matter was filed late with the request for nunc pro tunc. Mr. Malakauskas is advised that even if opposing

1 counsel is not communicating or returning the settlement agreement, it is Mr. Malakauskas's  
2 responsibility to file an extension of time or another request **prior to the deadline.**

3 Previously, in another case, the undersigned discussed Mr. Malakauskas's office's issues  
4 with scheduling court deadlines. See Hopson v. Ron Simi, Inc., et al., 1:17-cv-00879-DAD-  
5 SAB, ECF No. 14 (E.D. Cal. Nov. 28, 2017). Counsel was advised that "the Court will exercise  
6 its discretion and place requirements on counsel in all future cases that after each order of this  
7 Court he will be required to file formal acknowledgement of the order and an attestation that he  
8 has calendared any dates related to that order." Hopson, 1:17-cv-00879-DAD-SAB, ECF No.  
9 14. Therefore, the Court will require Mr. Malakauskas to file a formal acknowledgement of this  
10 order and an attestation that he has calendared the July 13, 2018 deadline.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Plaintiff shall file dispositional documents on or before **July 13, 2018;**
- 13 2. Mr. Malakauskas shall file an acknowledgement of this order and an attestation  
14 that he has calendared the July 13, 2018 deadline on or before **June 15, 2018;** and
- 15 3. **Failure to comply with this order will result in the issuance of sanctions.**

16 IT IS SO ORDERED.

17 Dated: **June 13, 2018**

18   
19 \_\_\_\_\_  
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24  
25  
26  
27  
28