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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WEST COAST TIRES & AUTO CENTER
LLC, et al.,

Plaintiffs,

v.

MOHAMMAD NAVEED, et al.,

Defendants.

Case No. 1:19-cv-01165-DAD-SAB

ORDER RE STIPULATION FOR
EXTENSION OF TIME FOR DEFENDANT
GARY ZAROUNIAN TO RESPOND TO
COMPLAINT

ORDER REQUIRING PLAINTIFFS TO
FILE STATUS REPORT RE DEFENDANT
MOHAMMAD NAVEED WITHIN FIVE
DAYS

ORDER CONTINUING SCHEDULING
CONFERENCE TO JANUARY 14, 2020

(ECF No. 12)

Plaintiff filed this action on August 25, 2019. (ECF No. 1.) On October 8, 2019, the parties filed a stipulation requesting an extension until November 15, 2019, for Defendant Gary Zarounian to file a response to Plaintiff’s complaint. (ECF No. 12.) This is the second extension, as on September 13, 2019, the parties previously filed a stipulation extending Defendant Gary Zarounian’s time to respond to the complaint by twenty-eight (28) days. (ECF No. 11.) The Court shall grant the request, however, given the proximity of the extended response deadline to the date of the scheduling conference, the Court shall also continue the date of the scheduling conference.

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1 In the stipulation before the Court, the parties state that the requested extension for Gary
2 Zarounian is to allow for the completion of an unlawful detainer action that Gary Zarounian is
3 pursuing against Defendant Mohammad Naveed. (ECF No. 12 at 1.) Defendant Mohammad
4 Naveed has not filed a response to the complaint, nor received an extension to do so, and was
5 served with the summons on September 4, 2019. (ECF No. 10.) Pursuant to Rule 12 of the
6 Federal Rules of Civil Procedure, a responsive pleading was due twenty-one days after service of
7 the summons and complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). The Court shall require Plaintiffs to
8 either file a status report further explaining the status of Defendant Mohammed Naveed in this
9 action or file a request for entry of default.¹

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Pursuant to the stipulation of the parties, Defendant Gary Zarounian shall file a
12 response to Plaintiff's complaint on or before November 15, 2019;
- 13 2. Within **five (5) days** of the date of entry of this order, Plaintiffs shall either file a
14 request for entry of default against Defendant Mohammad Naveed, or a status
15 report regarding the status of the action as against Defendant Mohmmad Naveed;
- 16 3. The mandatory scheduling conference is CONTINUED from November 14, 2019
17 to **January 14, 2020, at 9:30 a.m.** in Courtroom 9;
- 18 4. The parties shall file a joint scheduling report at least seven (7) calendar days
19 prior to the continued scheduling conference date.

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21 IT IS SO ORDERED.

22 Dated: October 8, 2019

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UNITED STATES MAGISTRATE JUDGE

¹ The Court also notes that Defendant George Zarounian has not been served in this action. It is not clear if Plaintiff is still pursuing claims against George Zarounian now that Defendant Gary Zarounian has been designated in the action as a doe defendant. (ECF No. 5.) While the deadline to serve has not passed, the Court expects Plaintiffs to serve Defendant George Zarounian, dismiss him as a Defendant in this action, or provide notice to the Court prior to continued scheduling conference date as to the status of this Defendant.