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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SILVIA CLERISA FRAIRE,
Plaintiff,
v.
ABF FREIGHT SYSTEM, INC., et al.,
Defendants.

Case No. 1:20-cv-01460-NONE-SAB
ORDER REQUIRING DEFENDANTS TO
FILE RESPONSIVE PLEADING
SEVEN-DAY DEADLINE

On September 3, 2020, Silvia Clerisa Fraire (“Plaintiff”) filed this action in the Madera County Superior Court against ABF Freight System, Inc., ARCBest Corporation, and Joseph Herrero (“Defendants”) alleging negligence in violation of California law. (ECF No. 1-1.) On October 13, 2020, Defendant removed the action to the Eastern District of California. (ECF No. 1.)

Pursuant to the Federal Rules of Civil Procedure, “[a] defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods: (A) 21 days after receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed.” Fed. R. Civ. P. 81(c)(2).”

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Defendant's notice of removal does not include an answer filed in the state court. Accordingly, IT IS HEREBY ORDERED that Defendant shall file a responsive pleading within seven (7) days of the date of entry of this order.

IT IS SO ORDERED.

Dated: October 15, 2020


UNITED STATES MAGISTRATE JUDGE