

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

AARON A. ELLIOTT,

Plaintiff,

V.

FRANK T. ELLIOT, III, et al.,

Defendants.

Case No. 1:21-cv-000897-NONE-SAB

**ORDER REQUIRING DEFENDANTS TO
FILE RESPONSIVE PLEADING**

SEVEN DAY DEADLINE

Superior Court against Frank T. Elliott, III, individually and in his capacity as trustee of the Aaron A. Elliott 2006 irrevocable trust, Wileman Bros. & Elliott Inc., and Brian Johnson (“Defendants”) alleging violations of the Perishable Agricultural Commodities Act (“PACA”), 7 U.S.C. §499(b) and California law. (ECF No. 1 at 8-30.) Service of the summons and complaint was completed on April 29, 2021. (ECF No. 1 at 105-113.) On June 4, 2021, Defendants 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

1 filed.” Fed. R. Civ. P. 81(c)(2).”

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

5 IT IS SO ORDERED.

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7 Dated: June 7, 2021


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UNITED STATES MAGISTRATE JUDGE