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6 Attorneys for Defendant United States  
of America

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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10  
11 LONNIE G. SCHMIDT, et al.

12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.

CASE NO. 2:09-cv-00660-LKK-GGH

**STIPULATION TO EXTEND TIME FOR  
THE UNITED STATES TO FILE ITS  
OPPOSITION TO PLAINTIFFS' CROSS-  
MOTION FOR SUMMARY  
JUDGMENT/REPLY TO PLAINTIFFS'  
OPPOSITION TO THE UNITED  
STATES' MOTION FOR SUMMARY  
JUDGMENT**

[Local Rules 140(a), 230(e)]

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20 Pursuant to Local Rules 140(a) and 230(e), Plaintiffs Lonnie G. Schmidt, Donald L. Manzer,  
21 Deborah A. Manzer, Edward Maria, III and Donna J. Maria, all appearing *pro se*, and Defendant the  
22 United States of America, by and through counsel, hereby stipulate that the United States shall have  
23 an extension of time to and until June 27, 2013, within which to file its Opposition to Plaintiffs'  
24 "Counter-motion for Summary Judgment" and Reply to Plaintiffs' Opposition to the United States'  
25 motion for summary judgment. In support of this stipulation, the parties state as follows:  
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1           1.       The United States' opposition to Plaintiffs' motion and reply brief are currently due  
2 to be filed on June 13, 2013. *See* Minute Order dated May 8, 2013, Doc. 104.<sup>1</sup>

3           2.       The United States has not previously sought an extension of time for filing briefs  
4 associated with its summary judgment motion, filed on April 25, 2013. [Doc. 97] Plaintiffs did seek  
5 and were granted an extension of time for filing their opposition to the United States' motion for  
6 summary judgment, from May 9, 2013 to June 6, 2013. [Docs. 103, 104] The Minute Order  
7 granting the additional time specifically provided that Plaintiffs could file a cross-motion for  
8 summary judgment. [Doc. 104]

9           3.       On June 6, 2013, Plaintiffs filed a 57-page "Counter-motion for Summary Judgment."  
10 That motion was accompanied by "Plaintiffs' Request for Judicial Notice in Support of Their  
11 Counter-motion for Summary Judgment and their Opposition to Defendant's SJM," forty-three (43)  
12 statements of "Undisputed Facts" in support of their Counter-motion, and thirty-eight exhibits filed  
13 in support of these documents.

14           4.       The one-week time limit for replying to Plaintiffs' opposition set forth in the Court's  
15 Minute Order is not sufficient time for the United States to adequately prepare and file its responses  
16 to Plaintiffs' June 6 filings.

17           5.       Local Rule 230(e) provides in pertinent part that, "[i]f a counter-motion or other  
18 related motion is filed, the Court may continue the hearing on the original and all related motions so  
19 as to give all parties reasonable opportunity to serve and file oppositions and replies to all pending  
20 motions." The requested extension of time should provide the United States a reasonable  
21 opportunity to prepare and file its opposition to Plaintiffs' counter-motion and reply brief.  
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25 \_\_\_\_\_  
26 <sup>1</sup> Although the minute order provided that the United States' "reply" is due on June 13, 2013, no  
27 specific mention was made in the order as to a filing date for any opposition to a possible cross-  
28 motion for summary judgment, as the Court was not aware at the time that such a motion would be  
filed. The parties agree that the Reply and Opposition should be filed at the same time so as to  
simplify and expedite Plaintiffs' response to, and the Court's consideration of, the same.

1           6.       The parties further stipulate that Plaintiffs' will have to and until July 11, 2013,  
2 within which to file their Reply to the United States' Opposition to their Counter-motion for  
3 Summary Judgment.

4           7.       No hearing date has been set for the pending motions. It is anticipated that both  
5 summary judgment motions will be heard at the same time.  
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9 DATED: June 12, 2013

Respectfully Submitted,

/s/ Lonnie G. Schmidt  
LONNIE G. SCHMIDT  
Plaintiff *pro se*

/s/ Donald L. Manzer  
DONALD L. MANZER  
Plaintiff *pro se*

/s/ Deborah A. Manzer  
DEBORAH A. MANZER  
Plaintiff *pro se*

/s/ Edward Maria III  
EDWARD MARIA III  
Plaintiff *pro se*

/s/ Donna J. Maria  
DONNA J. MARIA  
Plaintiff *pro se*

20  
21 And

22 DATED: June 12, 2013

BENJAMIN B. WAGNER  
United States Attorney

24 By: /s/ J. Earlene Gordon  
J. EARLENE GORDON  
Assistant United States Attorney

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**ORDER**

**IT IS SO ORDERED.**

Dated: June 17, 2013.

/s/Gregory G. Hollows  
GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE