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10 **Attorneys for Defendant**
11 **Almar Sales Co., Inc.**

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

14 NO SLIPPY HAIR CLIPPY, INC.,

15 Plaintiff,

16 vs.

17 ALMAR SALES CO., INC., et al,

18 Defendants.

Case No. 2:2010-cv-01478 JAM-JFM

**STIPULATION TO, AND ORDER FOR,
EXTENSION OF TIME TO RESPOND TO
COMPLAINT**

19
20 Subject to any required approval by the Court, Plaintiff and Defendant, through their
21 respective counsel, hereby stipulate to a **further extension of the time within which the**
22 **Defendant must file its initial responsive pleading** to the Plaintiff NO SLIPPY HAIR CLIPPY,
23 INC.'s *Plaintiff's Complaint For: (1) Infringement of Federal Trademark Registration No.*
24 *3,218,564; (2) False Designation of Origin Under 15 USC §1125(A); (3) Common Law Unfair*
25 *Competition And Trademark Infringement; (4) Cancellation Of Registered Trademark No.*
26 *3,257,554 and 3,669,693; and (5) Unfair Competition Under California Business And*
27 *Professions Code §17200, to and including August 6, 2010, or to such other date that the court*
28 may order.

1
2 Plaintiff effected service of the complaint on June 24, 2010. The response would initially
3 have been due on July 15, 2010.

4 Defendant has obtained by stipulation one prior 2-week extension of the time within which
5 to file Defendant's answer. If this further extension is approved, the aggregate extension of time
6 will be only 22 days.

7 Good cause exists for granting this further extension. As stated in the previous stipulation,
8 defendant is located in New York. Defendant only retained litigation counsel to defend it in this
9 litigation shortly before the initial response date. Litigation counsel is located in New Jersey and
10 had to engage local counsel who could appear in this district. Upon review of the pleadings, it is
11 apparent that certain defenses (including objection to venue, which Defendant does not waive)
12 must be asserted by pre-answer (Rule 12) motion. The proper preparation of such motion(s) is
13 time-consuming, particularly the process of gathering the appropriate evidence and presenting it
14 in admissible form. Defense counsel initially believed that it could complete all of the necessary
15 paperwork within the 2-week extension period but has been unable to do so, and needs an
16 additional six days in which to do so. No party will be prejudiced by this short further delay. The
17 total number of extension days is less than the 28 days permitted under E.D.L. Rule 144.

18 **IT IS SO STIPULATED.**

19 DATED: July 30, 2010

LAW OFFICES OF NICHOLAS D. HEIMLICH

20
21 By _____

22 Attorneys for Plaintiff No Slippy Hair Clippy, Inc.

23
24 DATED: July 30, 2010

DRAPER LAW OFFICES

EZRA SUTTON, P.A.

25
26
27 By _____

28 Attorneys for Defendant Almar Sales, Inc.

1 **CERTIFICATION**

2 I, Ann McFarland Draper, hereby attest that the concurrence to the filing of this document
3 has been obtained from each signatory to the foregoing stipulation, and that I have been duly
4 authorized to annotate the signature of each such signatory whose name appears above in
5 accordance with Local ECF Rules 15.2 and 15.2.

6 DATED: July 30, 2010

DRAPER LAW OFFICES

7 EZRA SUTTON, P.A.

8
9 By _____

10 Attorneys for Defendant Almar Sales, Inc.
11
12
13

14 **ORDER**

15 By stipulation of the parties and good cause appearing therefor, the Court hereby approves
16 the stipulation and orders that the above-named Defendant shall be allowed a **further extension of**
17 **time, to an including August 6, 2010, within which to file its initial responsive pleading** to the
18 Plaintiff NO SLIPPY HAIR CLIPPY, INC.'s *Plaintiff's Complaint For: (1) Infringement of*
19 *Federal Trademark Registration No. 3,218,564; (2) False Designation of Origin Under 15 USC*
20 *§1125(A); (3) Common Law Unfair Competition And Trademark Infringement; (4) Cancellation*
21 *Of Registered Trademark No. 3,257,554 and 3,669,693; and (5) Unfair Competition Under*
22 *California Business And Professions Code §17200.*

23 **IT IS SO ORDERED.**

24
25 DATED: August 2, 2010

/s/ John A. Mendez _____

26 UNITED STATES DISTRICT COURT JUDGE
27
28