

1 LONGYEAR & LAVRA, LLP  
 2 Van Longyear, CSB No.: 84189  
 3 Nicole M. Cahill, CSB No.: 287165  
 4 555 University Avenue, Suite 280  
 5 Sacramento, CA 95825  
 6 Phone: 916-974-8500  
 7 Facsimile: 916-974-8510  
 8 Emails: [longyear@longyearlaw.com](mailto:longyear@longyearlaw.com)  
 9 [cahill@longyearlaw.com](mailto:cahill@longyearlaw.com)

10 Attorneys for Defendant, L. Johnson

11 SIMPSON THACHER & BARTLETT LLP  
 12 Harrison J. Frahn IV (SBN: 206822)  
 13 hfrahn@stblaw.com  
 14 Jonathan C. Sanders (SBN: 228785)  
 15 jsanders@stblaw.com  
 16 Hilary Wong (SBN: 336544)  
 17 hilary.wong@stblaw.com  
 18 Pierce A. MacConaghy (SBN: 341371)  
 19 pierce.macconaghy@stblaw.com  
 20 2475 Hanover Street  
 21 Palo Alto, CA 94304  
 22 Telephone: (650) 251-5000  
 23 Facsimile: (650) 251-5002

24 *Attorneys for Plaintiff Anthony Penton*

25 **UNITED STATES DISTRICT COURT**  
 26 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

27 ANTHONY PENTON,	)	Case No.: 2:11-CV-00518-DJC-KJN
28 Plaintiff,		)
29 vs.	)	<b>STIPULATION AND ORDER TO</b>
30 L. JOHNSON, ,	)	<b>EXTEND DEADLINES</b>
31 Defendant.	)	

32 Plaintiff Anthony Penton (“Plaintiff”) and Defendant Layton Johnson (“Defendant”)  
 33 (collectively, the “Parties”) respectfully submit this stipulation to request extensions of various  
 34 deadlines related to the filing of post-trial motions.

1 Under Federal Rule of Civil Procedure 6(b)(1), “[w]hen an act may or must be done  
2 within a specified time period, the court may, for good cause, extend the time. . . with or without  
3 motion or notice if the court acts, or if a request is made, before the original time or its extension  
4 expires. . .” As the Ninth Circuit has said, “[r]equests for extension of time made before the  
5 applicable deadline has passed ‘normally . . . should be granted in the absence of bad faith on the  
6 part of the party seeking relief or prejudice to the adverse party.’” *Ahanchian v. Xenon Pictures,*  
7 *Inc.*, 642 F.3d 1253, 1259 (9th Cir. 2010) (citations omitted).

8 Accordingly, the parties stipulate to the following briefing schedule related to the filing  
9 of post-trial motions:

- 10 • Defendant be allowed to supplement his Rule 59 motion within 7 days of receipt of  
11 the official transcript for purposes of adding citations to the record;
- 12 • Plaintiff’s opposition to Defendant’s Rule 59 motion is due 14 days after the filing of  
13 Defendant’s supplemental brief;
- 14 • Defendant’s reply to Plaintiff’s opposition to Defendant’s Rule 59 motion is due 10  
15 days after the filing of Plaintiff’s opposition;
- 16 • Defendant’s Rule 50 motion is due within 21 days of receipt of the official transcript  
17 in accordance with the Court’s minute order (ECF 371);
- 18 • Plaintiff’s opposition to Defendant’s Rule 50 brief is due 14 days after filing of  
19 Defendant’s Rule 50 motion;
- 20 • Defendant’s reply to Plaintiff’s opposition to Defendant’s Rule 50 brief is due 10  
21 days after filing of Plaintiff’s opposition;
- 22 • Defendant’s opposition to Plaintiff’s motion for costs and fees (ECF 378) is due 14  
23 days after resolution of Defendant’s Rule 50 and Rule 59 motions.

24 The Parties also request that the current hearing date for Defendant’s Rule 59 motion be  
25 vacated and re-set after the filing of Defendant’s Rule 50 briefing so that both motions may be  
26 heard at the same time.

1 Dated: October 26, 2023

LONGYEAR & LAVRA, LLP

2  
3 By: /s/ Nicole M. Cahill

VAN LONGYEAR

NICOLE M. CAHILL

Attorneys for Defendant,

L. Johnson

6 Dated: October 26, 2023

SIMPSON THACHER & BARTLETT LLP

9 By: /s/ Pierce A. MacConaghy [as authorized on 10-26-23]

HARRISON J. FRAHN IV

JONATHAN C. SANDERS

HILARY CHI WING WONG

PIERCE A. MACCONAGHY

Attorneys for Plaintiff,

Anthony Penton

