LONGYEAR & LAVRA, LLP Van Longyear, CSB No.: 84189 Nicole M. Cahill, CSB No.: 287165 555 University Avenue, Suite 280 Sacramento, CA 95825 Phone: 916-974-8501 Emails: longyear/allongyearlaw.com cahilifa/longyear/aw.com Attorneys for Defendant, L. Johnson SIMPSON THACHER & BARTLETT LLP Harrison J. Frahn IV (SBN: 206822) hfrahn@stblaw.com Jonathan C. Sanders (SBN: 228785) jsanders@stblaw.com Jinathan C. Sanders (SBN: 341371) pierce. A. MacConaghy (SBN: 341371) pierce. macconaghy@stblaw.com 2475 Hanover Street Palo Alto, CA 94304 Telephone: (650) 251-5002 Attorneys for Plaintiff Anthony Penton WINTED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, Vs. L. JOHNSON, Plaintiff, Vs. L. JOHNSON, Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") collectively, the "Parties") respectfully submit this stipulation to request extensions of varior deadlines related to the filing of post-trial motions. ///				
Palo Alto, CA 94304 Telephone: (650) 251-5000 Facsimile: (650) 251-5002 Attorneys for Plaintiff Anthony Penton UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, STIPULATION AND ORDER TO EXTEND DEADLINES L. JOHNSON, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	2 3 4 5 6 7 8 9 10 11	Van Longyear, CSB No.: 84189 Nicole M. Cahill, CSB No.: 287165 555 University Avenue, Suite 280 Sacramento, CA 95825 Phone: 916-974-8500 Facsimile: 916-974-8510 Emails: longyear@longyearlaw.com		
Facsimile: (650) 251-5002 Attorneys for Plaintiff Anthony Penton UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, STIPULATION AND ORDER TO EXTEND DEADLINES L. JOHNSON, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.				
Attorneys for Plaintiff Anthony Penton UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, STIPULATION AND ORDER TO EXTEND DEADLINES L. JOHNSON, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.				
16 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, vs. L. JOHNSON,, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.		Attorneys for Plaintiff Anthony Penton		
EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION ANTHONY PENTON, Plaintiff, Vs. L. JOHNSON, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	15			
ANTHONY PENTON, Plaintiff, Vs. L. JOHNSON, Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	16			
ANTHONY PENTON, Plaintiff, vs. L. JOHNSON,, Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	17	EASTERN DISTRICT OF CALIF	FORNIA SACRAMENTO DIVISION	
Plaintiff, vs. L. JOHNSON, , Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	18			
21 vs. 22 L. JOHNSON, , 23 Defendant. 24 Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") 26 (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	19	ANTHONY PENTON,) Case No.: 2:11-CV-00518-DJC-KJN	
21	20	Plaintiff,		
Defendant. Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	21	VS.)	
Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	22	L. JOHNSON, ,		
Plaintiff Anthony Penton ("Plaintiff") and Defendant Layton Johnson ("Defendant") (collectively, the "Parties") respectfully submit this stipulation to request extensions of various deadlines related to the filing of post-trial motions.	23	Defendant.		
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deadlines related to the filing of post-trial motions.	25	Plaintiff Anthony Penton ("Plaintiff") a	nd Defendant Layton Johnson ("Defendant")	
	26	(collectively, the "Parties") respectfully submit this stipulation to request extensions of various		
28 ///	27	deadlines related to the filing of post-trial motions.		
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STIPULATION AND ORDER TO EXTEND DEADLINES- 1

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

The transcript from the trial in this matter was received on Friday, November 3, 2023. Accordingly, Defendant's Rule 50 motion is due Friday, November 24, 2023, in accordance with the Court's briefing schedule (ECF 371). Plaintiff's Opposition to Defendant's Rule 59 motion is also due Friday, November 24, 2023, 14 days after the filing of Defendant's supplemental brief is due. As November 24, 2023, is the day after the Thanksgiving holiday, the Parties desire a brief extension to allow them to file their respective briefs the following Monday, November 27, 2023.

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

- Defendant's supplemental Rule 59 motion is scheduled as due on Friday November 10, 2023. However, November 10th being a Court holiday, the brief is due Monday, November 13, 2023;
- Plaintiff's opposition to Defendant's Rule 59 motion is due Monday November, 27,
 2023;
- Defendant's reply to Plaintiff's opposition to Defendant's Rule 59 motion is due 10 days after the filing of Plaintiff's opposition, December 7, 2023;
- Defendant's Rule 50 motion is due on Monday, November 27, 2023;
- Plaintiff's opposition to Defendant's Rule 50 brief is due on December 11, 2023;
- Defendant's reply to Plaintiff's opposition to Defendant's Rule 50 brief is due
 December 21, 2023;

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3	Dated: November 7, 2023	LONGYEAR & LAVRA, LLP
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5		By: <u>/s/ Nicole M. Cahill</u> VAN LONGYEAR
6		NICOLE M. CAHILL Attorneys for Defendant,
7		L. Johnson
8		
9	Dated: November 7, 2023	SIMPSON THACHER & BARTLETT LLP
10		
11		By: /s/ Pierce A. MacConaghy [as authorized on 11-7-23]
12		HARRISON J. FRAHN IV
13		JONATHAN C. SANDERS HILARY CHI WING WONG
14		PIERCE A. MACCONAGHY Attorneys for Plaintiff,
15		Attorneys for Plaintiff, Anthony Penton
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ORDER RE: EXTENSION DEADLINES

Based on the foregoing Stipulation of the parties and good cause appearing, it is hereby ordered that briefing of post-trial motions be scheduled as follows:

- Defendant's supplemental Rule 59 motion is scheduled as due on Friday November 10, 2023. However, November 10th being a Court holiday, the brief is due Monday, November 13, 2023;
- Plaintiff's opposition to Defendant's Rule 59 motion is due Monday November, 27, 2023;
- Defendant's reply to Plaintiff's opposition to Defendant's Rule 59 motion is due 10 days after the filing of Plaintiff's opposition, December 7, 2023;
- Defendant's Rule 50 motion is due on Monday, November 27, 2023;
- Plaintiff's opposition to Defendant's Rule 50 brief is due on December 11, 2023;
- Defendant's reply to Plaintiff's opposition to Defendant's Rule 50 brief is due December 21, 2023;
- Defendant's Rule 50 Motion shall be noticed for hearing on 1/18/2024 at 1:30 PM. The hearing on Defendant's Rule 59 Motion, ECF No. 376, and Plaintiff's Motion for Attorneys' Fees and Costs, ECF No. 378, set for 11/30/2023, is vacated and reset for 1/18/2024 at 1:30 PM.

IT IS SO ORDERED.

Dated: November 7, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA UNITED STATES DISTRICT JUDGE