

1 ANDREW L. PACKARD (State Bar No. 168690)
 2 ERIK M. ROPER (State Bar No. 259756)
 3 EMILY J. BRAND (State Bar No. 267564)
 4 Law Offices of Andrew L. Packard
 5 100 Petaluma Blvd. N., Suite 301
 6 Petaluma, CA 94952
 7 Tel: (707) 763-7227
 8 Fax: (707) 763-9227
 9 E-mail: Andrew@packardlawoffices.com
 10 Erik@packardlawoffices.com
 11 Emily@packardlawoffices.com

12 ROBERT J. TUERCK (State Bar No. 255741)
 13 Jackson & Tuerck
 14 P.O. Box 148
 15 429 W. Main Street, Suite C
 16 Quincy, California 95971
 17 Tel: (530) 283-0406
 18 E-mail: bob@jacksontuerck.com

19 Attorneys for Plaintiff
 20 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

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

23 CALIFORNIA SPORTFISHING
 24 PROTECTION ALLIANCE, a non-profit
 25 corporation,
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 27 Plaintiff,
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 29 vs.
 30 WILLIAM "BILL" CALLAWAY, an
 31 individual, dba WILLIAMS REDI MIX,
 32
 33 Defendant.

Case No. 2:12-CV-00443-MCE-DAD

STIPULATION TO CONTINUE
 DEFENDANT'S DEADLINE TO FILE
 RESPONSIVE PLEADING AND TO GRANT
 DEFENDANT LEAVE TO USE THE
 COURT'S CM/ECF SYSTEM; ORDER

WHEREAS, on July 30, 2012, Plaintiff California Sportfishing Protection Alliance
 ("Plaintiff") filed a motion for entry of default judgment ("Motion") against Defendant William
 Callaway ("Defendant");

WHEREAS, Defendant is representing himself in this litigation as a *Pro Se* party;

WHEREAS, Plaintiff and Defendant shall be collectively referred to herein as the "Parties";

1 WHEREAS, on August 31, 2012, a hearing on the Motion was held (the “August 31st
2 Hearing”) before Magistrate Judge Dale A. Drozd (“Judge Drozd”);

3 WHEREAS, during the August 31st Hearing, Plaintiff alerted the Court to the fact that
4 Defendant has been granted leave to utilize the Court’s electronic document filing system
5 (“CM/ECF”) in a separate matter in which the Parties are currently litigating (see Case No. 2:10-cv-
6 01801-GEB-GGH, ECF No. 31 at 3:1-10, Order executed by Magistrate Judge Gregory G. Hollows
7 on June 20, 2011);

8 WHEREAS, during the August 31st Hearing, Judge Drozd indicated his willingness to allow
9 Defendant to utilize the CM/ECF system;

10 WHEREAS, Defendant lives approximately sixty miles (over a one hour drive) from the
11 Court in Sacramento;

12 WHEREAS, Defendant seeks to avoid the burdensome fuel and parking expenses he would
13 necessarily incur each time he would need to drive to Sacramento to file pleadings in this action at
14 the Court absent leave to utilize the CM/ECF system;

15 WHEREAS, Local Rule 133(b)(3) requires *Pro Se* defendants to obtain leave of Court in
16 order to utilize the CM/ECF system;

17 WHEREAS, in the interest of fairness, the conservation of economic resources and judicial
18 economy, the Parties agree that it is their mutual interest for the Court to grant Defendant leave to
19 utilize the CM/ECF system;

20 WHEREAS, subsequent to the August 31st Hearing, Judge Drozd issued an order requiring
21 Defendant to “file an answer or a responsive pleading to plaintiff’s complaint filed in this action on
22 or before September 28, 2012” (ECF No. 20 at 2:6-7, executed by Judge Drozd on September 4,
23 2012);

24 WHEREAS, Judge Drozd’s order dated September 4, 2012 also directed the Clerk of the
25 Court to set aside the May 21, 2012 entry of default against Defendant;
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1 WHEREAS, Defendant failed to file an answer or responsive pleading by the September 28,
2 2012 deadline;

3 WHEREAS, given Defendant's failure to comply with the September 28, 2012 filing
4 deadline, on October 8, 2012, Plaintiff filed a second request seeking entry of default against
5 Defendant;

6 WHEREAS, on October 9, 2012, the Clerk of the Court declined to enter the requested
7 default due to Defendant's filing earlier that same day of a motion to quash;

8 WHEREAS, seeing it has no remedy to address Defendant's failure to comply with the
9 September 28, 2012 filing deadline imposed by Judge Drozd, Plaintiff grudgingly agrees to stipulate
10 to continue that filing deadline and grant Defendant leave of Court to file an answer or a responsive
11 pleading to Plaintiff's complaint on or before October 26, 2012;

12 THEREFORE, IT IS HEREBY STIPULATED by and among Plaintiff and Defendant, in the
13 interest of fairness and judicial economy that Defendant be granted leave of Court to utilize its
14 CM/ECF system and that Defendant be granted leave of Court to file an answer or a responsive
15 pleading to Plaintiff's complaint on or before October 26, 2012.
16

17 Respectfully submitted,

18 Dated: October 19, 2012

LAW OFFICES OF ANDREW L. PACKARD

By: /s/ Erik Roper

Erik M. Roper

Attorneys for Plaintiff

California Sportfishing Protection Alliance

21 Dated: October 19, 2012

William Callaway

23 By: /s/ William Callaway

William Callaway, Defendant in *Propria Persona*

(Electronically signed pursuant to Local Rule 131(f);

original signature retained by attorney Erik Roper)

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ORDER

Pursuant to Stipulation, and good cause appearing, it is ORDERED that Defendant is granted leave of Court to utilize its CM/ECF system. Further, it is ORDERED that Defendant is granted leave of Court to file an answer or a responsive pleading to Plaintiff’s complaint on or before October 26, 2012.¹

IT IS SO ORDERED.

Dated: October 22, 2012



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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¹ Defendant is cautioned that failure to file an answer or responsive pleading by October 26, 2012, may result in an order striking defendant’s appearance in this action.