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6 Attorneys for Defendant  
Patrick R. Donahoe, Postmaster General  
7 Of the United States

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

10  
11 HELEN WHELAN,

12 Plaintiff,

13 v.

14 PATRICK R. DONAHOE, POSTMASTER  
GENERAL, UNITED STATES POSTAL  
15 SERVICE,

16 Defendant.

CASE NO. 2:12-cv-02305-TLN-CKD

**DEFENDANT'S EX PARTE  
APPLICATION TO EXTEND THE TIME  
FOR HIS REPLY IN SUPPORT OF HIS  
MOTION FOR SUMMARY JUDGMENT  
AND ORDER**

17 Pursuant to Local Rule 144, Defendant Patrick R. Donahoe, Postmaster General of the  
18 United States, respectfully submits his ex parte application to extend the time for 1) his reply in  
19 support of his motion for summary judgment from January 23, 2014 to January 30, 2014; and 2) the  
20 hearing on his motion for summary judgment from January 30, 2014 to February 13, 2014.  
21 Extending the summary judgment reply and hearing dates will not affect other deadlines set in the  
22 case, such as the April 3, 2014 Final Pretrial Conference, the June 2, 2014 trial date, or other pretrial  
23 deadlines. *See* 4/12/2013 Pretrial Scheduling Order (Dkt 20). The parties have not requested any  
24 other extensions in this lawsuit. Declaration of Chi Soo Kim, ¶ 2.

25 Lead trial counsel who drafted the motion for summary judgment became unexpectedly ill  
26 the evening of January 21, 2014 and is currently unable to work. *Id.* at ¶ 3. Undersigned counsel  
27 contacted Plaintiff's counsel on January 22, 2014 to request a stipulation to extend dates, but  
28

1 Plaintiff subsequently declined Defendant's request. *Id.* at ¶ 4. Counsel for both Plaintiff and  
2 Defendant are available for a February 13, 2014 hearing on Defendant's motion. *Id.* at ¶ 5. On  
3 February 13, 2014, the same counsel for the same parties are currently scheduled for a Further Final  
4 Pretrial Conference before this Court in the related 2009 lawsuit, *Whelan v. Donahoe*, Case No.  
5 2:09-cv-03606 TLN-CKD. *Id.* In addition, chambers has confirmed that February 13, 2014 is an  
6 available hearing date for defendant's motion. *Id.*

7 Good cause is therefore established and Defendant respectfully requests that the Court grant  
8 his ex parte application to extend time.

9 Respectfully submitted,

10 DATED: January 23, 2014

BENJAMIN B. WAGNER  
United States Attorney

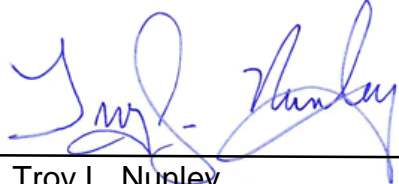
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12 By: /s/ Chi Soo Kim  
CHI SOO KIM  
Assistant United States Attorney

13  
14  
15 **ORDER**

16 The deadline for Defendant's reply in support of his motion for summary judgment is  
17 extended from January 23, 2014 to January 30, 2014. The hearing on Defendant's motion for  
18 summary judgment is continued from January 30, 2014 to February 13, 2014 at 2:00 p.m.

19 **IT IS SO ORDERED.**

20  
21 Dated: January 24, 2014

22  
23   
24 \_\_\_\_\_  
Troy L. Nunley  
United States District Judge