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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SMART MODULAR TECHNOLOGIES, INC.,

Plaintiff,

No. 2:12-cv-2319-MCE-EFB

vs.

NETLIST,

Defendant.

ORDER

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On September 12, 2012, the undersigned granted plaintiff's ex parte request for a protective order and issued a protective order. Dckt. No. 13. The protective order indicated that it was subject to future modification, and the undersigned specifically noted that "[i]n fact, plaintiff stated in its request for entry of this protective order that it 'is not opposed to revisiting the protective order and its terms once [defendant] has made an appearance in the case.'" *Id.* at 15, n.2 (citing Dckt. No. 11 at 2).

Pursuant to Local Rule 303(b), "[r]ulings by Magistrate Judges pursuant to this Rule shall be final if no reconsideration thereof is sought from the Court within fourteen (14) days calculated from the date of service of the ruling on the parties, unless a different time is prescribed by the Magistrate Judge or the Judge." E.D. Cal. L.R. 303(b); *see also* E.D. Cal. L.R. 230(j). In light of that deadline, on October 1, 2012, the parties filed a stipulation and proposed

1 order for an extension of time to file a motion for reconsideration of the September 12, 2012  
2 protective order. Dckt. No. 26. The parties state that they agreed to extend the deadline for  
3 defendant's motion for reconsideration to October 8, 2012 in order "to provide the opportunity  
4 [for the parties] to negotiate a mutually agreeable protective order." *Id.* ¶ 6. Therefore, they  
5 request that the court issue an order allowing defendant "to have until October 8, 2012 to file a  
6 motion for reconsideration of this Court's grant of [plaintiff's] Ex Parte Request for a Protective  
7 Order." *Id.* ¶ 8. In light of the parties' agreement, that request will be granted.

8 The parties also state that they "mutually agreed that [defendant] could have an extension  
9 of time until October 11, 2012 to respond to the Complaint," and therefore request that the court  
10 issue an order allowing defendant an extension of time to respond to the complaint. *Id.* ¶¶ 7, 9.  
11 However, Local Rule 144(a) provides that "[u]nless the filing date has been set by order of the  
12 Court, an initial stipulation extending time for no more than twenty-eight (28) days to respond to  
13 a complaint . . . may be filed without approval of the Court if the stipulation is signed on behalf  
14 of all parties who have appeared in the action and are affected by the stipulation." E.D. Cal. L.R.  
15 144(a). Because the stipulation is signed by all parties and does not seek an extension of more  
16 than 28 days, a court order approving that stipulation is not necessary.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The parties' October 1, 2012 stipulation and proposed order, Dckt. No. 26, is  
19 approved in part; and  
20 2. Defendant shall have until October 8, 2012 to file any motion for reconsideration of  
21 this court's grant of plaintiff's ex parte request for a protective order.

22 SO ORDERED.

23 DATED: October 1, 2012.

24   
25 EDMUND F. BRENNAN  
26 UNITED STATES MAGISTRATE JUDGE