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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

XANTHI GIONIS,
Plaintiff,
v.
CALIFORNIA BUREAU FOR PRIVATE
POSTSECONDARY EDUCATION, et
al.,
Defendants.

No. 2:13-CV-00912-MCE-CKD

ORDER

Plaintiff Xanthi Gionis ("Plaintiff") seeks relief from Defendants for claims arising from her term as Provost of Aristotle University and her candidacy for the California State Senate. Specifically, Plaintiff alleges causes of action for violations of due process pursuant to the Fourteenth Amendment, the Private Post-Secondary Education Act of 2009, the California Education Code, the California Code of Regulations, and the California Business and Professions Code. Compl., May 8, 2013, ECF No. 1. Plaintiff also alleges causes of action for negligence, misrepresentation, breach of contract, intentional infliction of emotional distress, and defamation. Id.

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1 Currently pending before the Court are the following motions by Defendants:
2 Defendant R&R Staffing Agency's Motion for a More Definite Statement, ECF No. 7;
3 Defendant Mark Wyland's Motion to Dismiss and Motion to Strike, ECF No. 15;
4 Defendant Pacific Health Education Center's Motion to Dismiss, ECF No. 22; a Motion to
5 Dismiss by Defendants Connie Bouvia, the California Bureau for Private Postsecondary
6 Education, the California Department of Consumer Affairs, Russ Heimerich, Laura
7 Metune, and Julissa Silva-Garcia, ECF No. 28; and Defendant Pacific Health Education
8 Center's Motion for Sanctions against Plaintiff and Plaintiff's current counsel of record,
9 Oliver LawCorp, ECF No. 33.

10 Plaintiff has also filed a motion seeking the Court's permission to voluntarily
11 dismiss the complaint without prejudice, ECF No. 56, and a motion for a sixty-day
12 extension of time to retain counsel, ECF No. 63. The Court has also ordered Plaintiff's
13 counsel of record, Keith Oliver, to show cause why sanctions should not be issued
14 against him, as the result of Plaintiff's representations to the Court that Plaintiff has been
15 abandoned by her attorney. Order, Oct. 28, 2013, ECF No. 58.

16 Plaintiff's request for a sixty-day extension of time states that sixty days will
17 provide Plaintiff with a sufficient opportunity to retain competent counsel to oppose the
18 various motions filed by Defendants. Pl.'s Mot. for Extension. Defendant Wyland
19 opposes the motion for extension of time, on the ground that Plaintiff's claims against
20 Defendant Wyland have no legal or factual basis. Def. Wyland Opp'n, Nov. 8, 2013,
21 ECF No. 70. Defendant R&R Professional Healthcare Staffing, Inc. (erroneously sued
22 as R&R Staffing Agency) also opposes the motion, arguing that granting Plaintiff's
23 motion will only waste judicial resources, unnecessarily increase litigation costs, and will
24 prevent the expeditious resolution of a "meritless case." Def. R&R Opp'n 2, Nov. 12,
25 2013, ECF No. 72. Defendant Pacific Health Education Center opposes the motion on
26 similar grounds. See Def. PHEC Opp'n, Nov. 13, 2013, ECF No. 73.

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1 Although Plaintiff's request for an extension was filed long after her oppositions to
2 Defendant's various motions were due, this failure does not appear to be the fault of
3 Plaintiff, but rather the fault of her retained counsel. This failure shall be addressed by
4 the Court in the hearing on the Order to Show Cause. Moreover, Defendants, in
5 opposing Plaintiff's request for an extension of time, argue again the merits of their
6 pending motions. Plaintiff has shown good cause why she should be an extension of
7 time to respond to these motions, when she has had the opportunity to retain different
8 counsel.

9 Accordingly, Plaintiff's Motion for Sixty-Day Extension of Time is GRANTED.
10 (ECF No. 63.) Plaintiff has sixty (60) days from the date of this order to oppose the
11 following motions: Defendant R&R Staffing Agency's Motion for a More Definite
12 Statement; Defendant Mark Wyland's Motion to Dismiss and Motion to Strike; Defendant
13 Pacific Health Education Center's Motion to Dismiss; a Motion to Dismiss by Defendants
14 Connie Bouvia, the California Bureau for Private Postsecondary Education, the
15 California Department of Consumer Affairs, Russ Heimerich, Laura Metune, and Julissa
16 Silva-Garcia; and Defendant Pacific Health Education Center's Motion for Sanctions
17 against Plaintiff and Plaintiff's current counsel of record, Oliver LawCorp. No further
18 extensions of time shall be granted. The hearings on these matters are hereby
19 VACATED and CONTINUED, on the Court's own motion, to February 6, 2014, at 2:00
20 PM in Courtroom 7. The hearing for the Order to Show Cause is likewise VACATED
21 AND CONTINUED to February 6, 2014, at 2:00 PM in Courtroom 7.

22 IT IS SO ORDERED.

23 Dated: November 14, 2013

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27 MORRISON C. ENGLAND, JR., CHIEF JUDGE
28 UNITED STATES DISTRICT COURT