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

SHARIDAN STILES, et al.,

No. 2:14-CV-1637-JAM-CMK

Plaintiffs,

vs.

AMENDED ORDER<sup>1</sup>

WAL MART STORES, INC., et al.,

Defendants.

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Plaintiff, who is proceeding pro se, brings this civil action. Pending before the court are the following: (1) request (Doc. 18) filed by defendants Wal Mart Stores, Inc., and American International Industries, Inc., for an extension of time to respond to plaintiff’s amended complaint; (2) plaintiff’s request (Doc. 19) to withdraw an earlier stipulation with defendants Wal Mart Stores, Inc., and American International Industries, Inc., extending the time to respond to plaintiff’s amended complaint to no later than August 29, 2014; (3) request (Doc. 10) filed by defendant Coty, Inc., for an extension of time to response to plaintiff’s amended complaint; and (4) plaintiff’s motion (Doc. 20) for default judgment.

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<sup>1</sup> This order supercedes the court’s order issued on August 15, 2014.

1           Turning first to the request by defendant Coty, Inc., for an extension of time, good  
2 cause appearing therefor, the request will be granted. Defendant Coty, Inc., shall file and serve  
3 its response to the complaint by September 5, 2014.

4           Next, addressing the request by defendants Wal Mart Stores, Inc., and American  
5 International Industries, Inc., for an extension of time to respond to plaintiff's amended  
6 complaint, the parties initially stipulated to an extension of time to August 29, 2014 (see Doc. 8).  
7 Plaintiff now requests that the stipulation be withdrawn and defendants Wal Mart Stores, Inc.,  
8 and American International Industries, Inc., now request that the response due date be further  
9 extended to September 5, 2014. While plaintiff contends in her request to withdraw the prior  
10 stipulation with defendants because their request was made solely for the purpose of delay, the  
11 court finds no indication of such intention in the parties' declarations. Good cause appearing  
12 therefor, defendants' request for an extension to September 5, 2014, will be granted.

13           Finally, plaintiff has filed a motion for default judgment against defendants Wal  
14 Mart Stores, Inc., and American International Industries, Inc., which is construed as a request for  
15 entry of default pursuant to Federal Rule of Civil Procedure 55(a). At the time plaintiff's request  
16 was filed on August 12, 2014, defendants' response to the amended complaint was not due until  
17 August 29, per the stipulation of the parties. Therefore, defendants' failure to respond to the  
18 amended complaint was not shown by the record such that entry of default would be appropriate.  
19 Plaintiff's request will be denied.

20           Accordingly, IT IS HEREBY ORDERED that:

- 21           1.     The court's August 15, 2014, order is vacated;
- 22           2.     The request (Doc. 10) by defendant Coty, Inc., is granted;
- 23           3.     Plaintiff's request (Doc. 19) to withdraw the stipulation extending the time  
24 for defendants Wal Mart Stores, Inc., and American International Industries, Inc., to respond to  
25 the amended complaint is denied;

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4. The request (Doc. 18) by defendants Wal Mart Stores, Inc., and American International Industries, Inc., is granted;

5. Defendants Coty, Inc., Wal Mart Stores Inc., and American International Industries, Inc., shall file and serve their responses to plaintiff's amended complaint by September 5, 2014; and

6. Plaintiff's motion for default judgment (Doc. 20) is construed as a request for entry of default and, so construed, is denied.

DATED: August 15, 2014

  
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**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE