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9 Attorneys for Defendant
 10 VACAVILLE UNIFIED SCHOOL DISTRICT

11 THE UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 RYAN ANENSON; SARAH
 14 ANENSON; and CHRISTIAN
 15 ANENSON,

16 Plaintiffs,

17 vs.

18 VACAVILLE UNIFIED SCHOOL
 19 DISTRICT; DIXON UNIFIED SCHOOL
 20 DISTRICT; SOLANO COUNTY
 21 SPECIAL EDUCATION LOCAL PLAN
 22 AREA; SOLANO COUNTY OFFICE
 23 OF EDUCATION; and DOES 1-25,
 24 inclusive, sued individually and in their
 25 respective official capacities,

26 Defendants.

Case No.: 2:20-CV-00901

**DEFENDANT VACAVILLE UNIFIED
 SCHOOL DISTRICT’S APPLICATION
 FOR EXTENSION OF TIME TO
 RESPOND TO COMPLAINT;
 DECLARATION OF KATHERINE A.
 ALBERTS; ORDER**

Date: September 4, 2020
 Hon. Morrison England Jr.

27 Pursuant to Local Rule 144 of this Court, and for good cause shown herein,
 28 Defendant VACAVILLE UNIFIED SCHOOL DISTRICT seeks a seven day (one week)
 extension of time to respond to Plaintiffs’ Complaint. This extension is necessitated by the
 fact that VACAVILLE USD’s undersigned counsel has been ill since Saturday, August 29,
 202 and unable to work. VACAVILLE USD asked PLAINTIFFS to stipulate to an

1 extension, but PLAINTIFFS refused to do so. Therefore, VACAVILLE USD has no choice
2 but to file this application for an extension.

3 Currently, VACAVILLE USD's response to the Complaint is due on September 4,
4 2020. This deadline was set by the Court's August 11, 2020 Order following the parties'
5 Stipulation.

6 On Saturday, August 29, 2020, the undersigned counsel for VACAVILLE USD, Ms.
7 Alberts, was taken by ambulance to John Muir Hospital with chest/stomach pains. After
8 being discharged on Sunday, August 30, 2020, Ms. Alberts has continued to experience pain
9 and stomach issues that have required her to take medication that makes her drowsy and at
10 times, fuzzy headed. Due to both the pain and effects of the medication, Ms. Alberts has
11 been unable to work since Sunday, August 30.

12 When in the evening of Wednesday, September 2, 2020, it became apparent that Ms.
13 Alberts was not going to recover in sufficient time to complete the District's motion to
14 dismiss by the September 4, 2020 deadline, Ms. Alberts sought a stipulated extension from
15 Plaintiffs. Prior to this time, Ms. Alberts still thought it possible for her to recover
16 sufficiently to complete the Motion to Dismiss. But after spending Wednesday on
17 medication sleeping, it became apparent that belief was incorrect. In the evening of
18 Thursday, September 3, 2020, Plaintiffs' counsel informed Ms. Alberts that Plaintiffs would
19 not stipulate to the extension.

20 Therefore, VACAVILLE USD seeks an extension from the Court, because due to its
21 counsel's illness, without such an extension, it will be unable to timely file a responsive
22 pleading. Ms. Alberts is the sole attorney in her office assigned to this case, and therefore,
23 the only one familiar with the Complaint and capable of completing the District's Motion.
24 VACAVILLE USED seeks a one week extension, to September 11, 2020, or to such other
25 date as the Court finds appropriate, to allow Ms. Alberts sufficient time to complete her
26 recovery and complete VACAVILLE USD's Motion to Dismiss.

1 Good cause shown herein, VACAVILLE USD respectfully requests that the Court
2 grant this application and extend the time for it to respond to Plaintiffs' Complaint to
3 September 11, 2020 or to such other date as the Court finds appropriate.

4 Dated: September 3, 2020

LEONE & ALBERTS

/s/ Katherine A. Alberts

KATHERINE A. ALBERTS

Attorney for Defendant

VACAVILLE UNIFIED SCHOOL DISTRICT

8
9 **DECLARATION OF KATHERINE A. ALBERTS**

10 I, KATHERINE A. ALBERTS, declare as follows:

11 1. I am an attorney duly licensed to practice law before the Court and all courts in
12 the State of California and am a partner in the law offices of Leone & Alberts, attorneys of
13 record for defendant VACAVILLE UNIFIED SCHOOL DISTRICT in the above-referenced
14 matter. The matters stated herein are of my own personal knowledge, and, if called as a witness,
15 I could competently testify to the matters stated herein.

16 2. On Saturday, August 29, 2020, I was taken by ambulance to John Muir
17 Hospital with chest/stomach pains. After being discharged on Sunday, August 30, 2020, I
18 have continued to experience pain and stomach issues that have required me to take
19 medication that makes me drowsy and at times, fuzzy headed. Due to both the pain and
20 effects of the medication, I have been unable to work since Sunday, August 30.

21 3. I had started to feel better on Tuesday, September 1, 2020, and thought I
22 would be able to return to work the following day. However, the pain returned on that next
23 day, Wednesday, September 2, 2020, and I spent most of the day sleeping due to medication.
24 Therefore, that evening I had to admit that I would not be able to complete VACAVILLE
25 USD's motion to dismiss and needed an extension. Therefore, I wrote an email to
26 PLAINTIFFS' counsel, Mr. Greenbaum, that evening requesting a stipulated extension. I
27 spoke to PLAINTIFFS' counsel today, Thursday, September 3, 2020 around noon, when I
28

1 returned home from a doctor's appointment. Mr. Greenbaum stated he was inclined to
2 stipulate to the extension but had to speak to his clients. I next spoke to Mr. Greenbaum
3 around 6:00 p.m., and he informed me PLAINTIFFS would not stipulate to an extension. I
4 then informed him that I would be filing this Application later this same evening.

5 4. I am the sole attorney in my firm assigned to this case, and therefore, the only
6 one familiar with the Complaint and capable of completing the District's Motion. Without
7 this extension, I will not be able to file a timely responsive pleading on behalf of my client,
8 VACAVILLE USED. The one week extension sought in this application will give me
9 sufficient time to recover and complete VACAVILLE USD's Motion as my doctor
10 prescribed new medication today that should alleviate the pain and other issues in a couple of
11 days.

12 I declare under penalty of perjury under the laws of the United States and the State of
13 California that the foregoing is true and correct and that this declaration was executed this
14 3rd day of September 2020 in Danville, California.

15
16 /s/ Katherine A. Alberts
17 KATHERINE A. ALBERTS

18 **ORDER**

19 Having reviewed the above Application for an Extension of Time to Respond to the
20 Complaint, and good cause having been shown, the Court hereby grants this Application and
21 orders that Defendant VACAVILLE USD shall have until September 11, 2020 to respond to
22 the Complaint in the above captioned matter.

23 IT IS SO ORDERED.

24 Dated: September 8, 2020

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26 
27 MORRISON C. ENGLAND, JR.
28 SENIOR UNITED STATES DISTRICT JUDGE