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 JOHN PAPPAS III and MERILIZ, INC.,
 13 dba DOME PRINTING

14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

16 R. R. DONNELLEY & SONS COMPANY, a
 Delaware corporation,
 17
 Plaintiff,
 18
 vs.
 19
 JOHN PAPPAS III, an individual, MERILIZ,
 20 INC., dba DOME PRINTING, and DOES 1-10,
 21
 Defendants.

CASE NO. 2:21-cv-00753-KJM-AC

**STIPULATION TO EXTEND TIME FOR
 DEFENDANT JOHN PAPPAS III TO
 OPPOSE PLAINTIFF AND COUNTER-
 DEFENDANT R.R. DONNELLY & SONS
 COMPANY'S MOTION FOR
 CONTEMPT OR, IN THE
 ALTERNATIVE, TO ISSUE AN ORDER
 TO SHOW CAUSE WHY DEFENDANT
 SHOULD NOT BE HELD IN
 CONTEMPT; ORDER**

22
 23 JOHN PAPPAS III, an individual, and
 MERILIZ, INC., dba DOME PRINTING,
 24
 Counter-Claimants,
 25
 vs.
 26
 R. R. DONNELLEY & SONS COMPANY, a
 Delaware corporation,
 27
 Counter-Defendants.
 28

Trial Date: January 30, 2023
 Complaint Filed: April 26, 2021

1 Plaintiff and Counter-Defendant R.R. Donnelley & Sons Company (“Donnelley”) and
2 Defendant and Counter-Claimant John Pappas III (“Pappas”) hereby stipulate and agree as follows:

3 1. Donnelley filed its Complaint in this action on April 26, 2021. Subsequently
4 Donnelley amended its Complaint to add Defendant Meriliz Inc., dba Dome Printing (“Dome”) as
5 a defendant on October 27, 2021.

6 2. Pappas and Dome filed a counter-claim against Donnelley on November 3, 2021
7 and amended their claims on November 11, 2021.

8 3. This case is in the midst of discovery, and is set for trial on January 30, 2023.

9 4. On April 18, 2023, this case was reassigned from District Judge John A. Mendez to
10 Chief District Judge Kimberly J. Mueller.

11 5. On April 6, 2022, Donnelley filed and served a Motion for Contempt or, in The
12 Alternative, To Issue an Order to Show Cause Why Defendant Should Not Be Held in Contempt
13 (“Motion”) against Pappas in this action. This Motion is set for hearing on June 28, 2022.

14 6. Just over a month prior to the Motion’s filing, the Local Rules for the Eastern
15 District of California were amended on March 1, 2022. Some of the amendments were to Rule
16 230, which sets the civil motion calendaring procedure. Rule 230(c) was updated to set the deadline
17 for opposition to any motion to be due 14 days from the date of the motion’s filing.

18 7. Prior to March 1, 2022, the Local Rule 230(c) set the deadline for opposition to any
19 motion to run 14 days preceding the hearing date on the motion. At the time of the Motion’s filing,
20 Counsel for Defendants were under the impression that the prior version of Local Rule 230(c)
21 governed and would have made the Opposition to the Motion due June 14, 2022. However, the
22 deadline was in fact governed by the new version of Rule 230(c) and therefore was due April 20,
23 2022.

24 8. Counsel for Defendants became aware of the rule change on April 26, 2022, after
25 the deadline for the Opposition under new Rule 230(c) passed.

26 9. On April 27, 2022 Defendants requested an extension to oppose Donnelley’s
27 Motion. In light of the recent rule change, Donnelley agreed to a courtesy extension on the deadline
28 for Pappas to file an opposition to the Motion. Donnelley agreed to make the new deadline for

1 Pappas' opposition May 18, 2022.

2 10. The Parties agree that Donnelley's deadline to file a reply should be set for June 6,
3 2022.

4 11. Under this modified briefing schedule, there would be no prejudice to Donnelley as
5 it would have nearly three weeks to file any reply. Defendants agreed to extend the reply deadline
6 beyond the standard 10 days under Local Rule 230(d) to accommodate the paternity leave of
7 Donnelley's counsel. Nevertheless, all briefing would still be submitted to the Court three weeks
8 before the hearing date.

9 12. Accordingly, it is hereby agreed and stipulated by the Parties that Pappas' deadline
10 to file an opposition to the Motion is extended to May 18, 2022, and that Donnelley's deadline to
11 file a reply is extended to June 6, 2022.

12 13. Additionally, on April 29, 2022, the Court continued the hearing date for the Motion
13 to July 8, 2022. Counsel for Defendants is in trial in Los Angeles on that date (up through July 14,
14 2022) and therefore the Parties have stipulated and request that the Court extend the hearing date
15 to the next available date, after July 14, 2022.

16 **STIPULATED AND AGREED TO BY:**

17 Dated: May 3, 2022

LITTLER MENDELSON P.C.

19 /s/Derek S. Hecht (as authorized on 5/3/22)

20 Mark A. Romeo
21 Derek S. Hecht
22 Attorneys for Plaintiff
23 R. R. DONNELLEY & SONS COMPANY

24 Dated: May 3, 2022

BUCHALTER, APC

25 /s/Dylan W. Wiseman

26 Dylan W. Wiseman
27 Berit L. Elam
28 Attorneys for Defendants and Counter-
Claimants JOHN PAPAS III and Meriliz, Inc.,
dba Dome Printing

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ORDER

The Court having considered the foregoing Stipulation, and good cause appearing,
HEREBY ORDERS that:

1) Defendant and Counter-Claimant John Pappas III’s deadline to file an opposition to Plaintiff and Counter-Defendant R.R. Donnelley & Sons Company’s (“Donnelley”) Motion for Contempt or, in The Alternative, To Issue an Order to Show Cause Why Defendant Should Not Be Held in Contempt (“Motion”) is extended to May 18, 2022, and Donnelley’s deadline to file a reply is extended to June 6, 2022.

2) The hearing date on Donnelley’s Motion is continued from July 8, 2022 to **July 29, 2022 at 10:00 a.m..**

IT IS SO ORDERED.

DATED: May 9, 2022.



CHIEF UNITED STATES DISTRICT JUDGE