IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE FOSTER PARENT ASSOCIATION, CALIFORNIA STATE CARE PROVIDERS ASSOCIATION, and LEGAL ADVOCATES FOR PERMANENT PARENTING,

Plaintiffs,

v.

JOHN A. WAGNER, Director of the California Department of Social Services, in his official capacity; MARY AULT, Deputy Director fo the Children and Family Services Division of the California Department of Social Services, in her official capacity,

Defendants.
_____/

No. C 07-05086 WHA

ORDER DENYING DEFENDANTS' RENEWED REQUEST TO FILE LATE OBJECTIONS

In this civil rights action, the special master issued an order on November 8, 2009, awarding plaintiffs attorney's fees in the amount of $926,797.12. Pursuant to Rule 53(f)(2), objections to the special master's order were due within 20 days of the filing of that order, in this instance by November 30, 2009. No objections were timely received and the undersigned adopted the special master's order in full on December 10, 2009. Defendants subsequently filed a motion for leave to file late objections. A December 18 order denied defendants' motion on the grounds that defense counsel did not offer any explanation for the tardy filing except for "inadvertence."

Now defendants have filed a renewed request for leave to file late objections supported by defense counsel's sworn declaration. Defense counsel declares that the reason he failed to

file timely objections is that he mistakenly believed that he "had 30 days, rather than 20 days, in which to submit objections to the Special Master's filing" (Prince Decl. at 3). This explanation fails in the first instance because defendants did not file objections within even 30 days of the special master's order, or by December 8, 2009. Indeed, defendants did not file objections until 37 days after the special master's order. Defendants' renewed request for leave to file late objections is **DENIED**.

IT IS SO ORDERED.

Dated: December 28, 2009.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE