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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 OAKLAND UNIFIED SCHOOL  
9 DISTRICT,

Plaintiff,

v.

11 BRYANT &amp; BROWN, PC, et al.,

Defendants.  
13

NO. C08-5645 TEH

ORDER DENYING PLAINTIFF'S  
EX PARTE APPLICATION FOR  
ORDER EXTENDING TIME TO  
FILE FIRST AMENDED  
COMPLAINT

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15 At the April 27, 2009 motion hearing, this Court ordered Plaintiff to file an amended  
16 complaint on or before May 26, 2009. On May 28, 2009, at approximately 5:00 PM,  
17 Plaintiff filed an ex parte application stating its belief that the deadline for filing the amended  
18 complaint was May 27, 2009, and seeking an order extending the deadline to June 10, 2009.  
19 Plaintiff stated that it was prepared to file the amended complaint and would do so “by  
20 5:30 p.m. today [May 28] if the proposed order is not signed by the Court.” Appl. at 2.  
21 However, the Court did not sign the proposed order, and Plaintiff failed to file an amended  
22 complaint. Defendants subsequently filed an opposition to Plaintiff’s request at  
23 approximately 6:30 PM on May 28, 2009.


24 As Defendants correctly observe, not only was Plaintiff’s ex parte application filed  
25 after the deadline set by the Court, but it was filed even after the date, May 27, that Plaintiff  
26 mistakenly believed to be the deadline. Such conduct is unacceptable. The Court will not  
27 impose sanctions at this time, but counsel are advised that the Court will not tolerate future  
28 disregard for Court deadlines.

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IT IS HEREBY ORDERED that Plaintiff shall file its amended complaint by 6:00 PM today. This should be no hardship since Plaintiff stated that the amended complaint has already been drafted and was ready to be filed as of 5:30 PM yesterday.

**IT IS SO ORDERED.**

Dated: 05/29/09

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT