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5 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7 OAKLAND DIVISION  
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9 NEWPORT BUILDERS, INC., a Nevada  
10 Corporation,

11 Plaintiff,

12 vs.

13 NORTH BAY CONSTRUCTION, INC., a  
California corporation,

14 Defendant.  
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Case No: C 09-0184 SBA

**ORDER GRANTING MOTION TO  
EXTEND TIME TO RESPOND TO  
COUNTERCLAIM**

[Docket 80]

16 Plaintiff moves for an extension of time to respond to Defendant's Counterclaim. (Docket  
17 80.) In its motion, Plaintiff states that it did not submit a stipulation on the ground that under Local  
18 Rule 6-1(a), "the time to answer or other[wise] respond to a counterclaim cannot be extended by  
19 written stipulation." (Docket 80 at 2.) However, Local Rule 6-1(a) merely states that court  
20 approval of a stipulation is not required where the extension of time to file an answer will not affect  
21 any pending dates. As such, Plaintiff should have attempted to first obtain a stipulation prior to  
22 submitting the instant motion. Moreover, both parties should be aware of Paragraph 5 of this  
23 Court's Standing Order for Civil Cases which expressly states: "Meet and Confer Requirement; All  
24 parties are required to meet and confer before filing any motion with this court, and to certify that  
25 they have complied with this requirement." This requirement—which apparently was not  
26 followed—is essential to the parties' representation that there is a dispute which requires the  
27 Court's resolution. Nonetheless, given the lack of opposition to the instant motion, the Court, in  
28 this instance, will consider and grant the requested extension of time. Accordingly,

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1 IT IS HEREBY ORDERED THAT Plaintiff's motion to extend time to respond to  
2 Defendant's Counterclaim is GRANTED. Plaintiff shall have until November 19, 2009 to file its  
3 responsive pleading. The parties are directed to familiarize themselves with the Local Rules and  
4 the Standing Orders of this Court. The Court will not consider any further motions or requests that  
5 do not comply with the Court's Standing Orders.

6 IT IS SO ORDERED.

7 Dated: October 28, 2009

  
8 SAUNDRA BROWN ARMSTRONG  
9 United States District Judge  
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