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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD BROOKS MILLER, *et al.*,

No. C-12-2282 EMC

Plaintiffs,

v.

**ORDER GRANTING PLAINTIFFS’
REQUEST FOR EXTENSION OF TIME**

CARRINGTON MORTGAGE SERVICES,
et al.,

(Docket No. 90)

Defendants.

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At the case management conference of September 14, 2012, the Court instructed Defendants to file a response to Plaintiffs’ third amended complaint thirty (30) days after mediation was completed. *See* Docket No. 75 (civil minutes). On November 9, 2012, the mediator certified that the case did not settle after mediation. *See* Docket No. 87 (certification of ADR session). Defendants then timely filed their response to Plaintiffs’ third amended complaint. That response consisted of a motion to dismiss and a motion to strike. *See* Docket Nos. 88-89 (motions). Defendants set the motions for hearing on January 24, 2013.

In response, Plaintiffs promptly filed a request for an extension. In their papers, Plaintiffs argue, in effect, that they should be given more time to file their opposition briefs because Defendants managed to get more time to respond to Plaintiffs’ complaint by convincing the Court to delay a response until after mediation was held. Plaintiffs assert that Defendants did not intend to and did not in fact engage in mediation in good faith and that Defendant simply used mediation as a tactic to get more time to respond to Plaintiffs’ complaint.

1 The Court sees little merit in Plaintiffs’ position. Plaintiffs’ position is entirely speculative.
2 However, because Plaintiffs are proceeding pro se, the Court shall grant their request for an
3 extension of time. Plaintiffs shall have until January 10, 2013, to file their opposition briefs.
4 Defendants shall then have until January 17, 2013, to file their reply briefs. The hearing on
5 Defendants’ motion to dismiss and motion to strike shall be continued from January 24, 2013, to
6 January 31, 2013, at 1:30 p.m.

7 Finally, the Court advises Plaintiffs that they should make sure that they have in their
8 possession the most current version of the Civil Local Rules, which is available on the District
9 Court’s website. Civil Local Rule 7-3(a) provides that, as a general matter, an “opposition brief
10 must be filed and served not more than 14 days *after the motion was filed.*” Civ. L.R. 7-3(a)
11 (emphasis added). The reply brief, in turn, “must be filed and served not more than 7 days *after the*
12 *opposition was due.*” Civ. L.R. 7-3(c). There is no rule in the Federal Rules of Civil Procedure or in
13 the Civil Local Rules that provides that an opposition brief is due fourteen days prior to a hearing.

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15 IT IS SO ORDERED.

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17 Dated: December 12, 2012

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20 EDWARD M. CHEN
21 United States District Judge
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