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28United States District Court  
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIAMICHAEL BRACCO, et al.,  
Appellants,  
v.  
KURT ALBERT LEINTZ, et al.,  
Appellees.

No. C 12-2945 MMC

**ORDER GRANTING APPELLANTS'  
MOTION FOR EXTENSION OF TIME TO  
FILE OPENING BRIEF**

Before the Court is appellants' motion, filed December 27, 2012, in which appellants seek a one week extension of the previously extended deadline to file their opening brief, citing the press of other work and holiday commitments. Appellees have filed opposition, stating they "have been prejudiced by Appellants' lack of diligence" and pointing out the underlying "adversary proceedings upon which this appeal is based were filed over four years ago." (See Opp'n at 3.)

Although the reasons given by appellants for the relief requested can hardly be described as compelling, the Court finds the source of the delay and the brevity of the extension weigh in favor of granting the motion. See Greco v. Stubenberg, 859 F.2d 1401, 1404 (9th Cir. 1988) (noting among factors for consideration with respect to dismissal of bankruptcy appeal is "whether the conduct giving rise to the dismissal was caused entirely by the party's attorney").

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1           Accordingly, appellants' motion to extend the time to file appellants' opening brief to  
2 January 4, 2013 is hereby GRANTED. If said brief is not filed by said date, the above-titled  
3 appeal will be dismissed for failure to prosecute.

4           **IT IS SO ORDERED.**

5 Dated: January 2, 2013

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MAXINE M. CHESNEY  
United States District Judge

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