

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 13-00553 WHA

IN RE: LAWRENCE ASUNCION, and
MARIA ASUNCION,

Appellants.

**ORDER GRANTING
REQUEST FOR LEAVE TO
FILE OPENING BRIEF**

In this bankruptcy appeal the scheduling order required appellants to file their opening brief by May 14 (*see* Dkt. No. 2). No brief was filed. Appellants were ordered to show cause why this appeal should not be dismissed for failure to prosecute. Appellants' counsel has filed a response styled as a motion for leave to file the opening brief. The motion explains that appellants' counsel missed the filing deadline due to a (presumably junior) attorney unexpectedly leaving counsel's law firm (Dkt. No. 6). This excuse does not justify counsel's failure to timely request an extension or seek other relief. Nevertheless, the record does not evince any prejudice to appellees from the delay. This order elects not to punish appellants for their counsel's missteps. The motion for leave to file the opening brief is **GRANTED**. Counsel shall file the opening brief by **TODAY, JUNE 20 AT 5:00 P.M.**

IT IS SO ORDERED.

Dated: June 20, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE