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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 DONALD ROSE, et al.,
7 Plaintiffs,

8 v.

9 TRENT RHORER, et al.,
10 Defendants.

Case No. 13-cv-03502-WHO

**ORDER SETTING JANUARY 31, 2014
DEADLINE TO FILE AMENDED
COMPLAINT**

Re: Dkt. No. 88

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13 On October 31, 2013, the Court granted *pro se* plaintiffs leave to file an amended
14 complaint by December 31, 2013. The Court noted that “two months is more than a sufficient
15 amount of time to file an amended complaint and the Court will not be inclined to further extend
16 the time to do so, no matter what the reasons for doing so may be.” Dkt. No. 77 at 5 n.2.
17 Nonetheless, on December 30, 2013, the plaintiffs filed a motion seeking additional time to file an
18 amended complaint. Dkt. No. 88. Defendants oppose the plaintiffs’ request, but, in the event the
19 Court grants the request, request that the extension be no more than two weeks to avoid prejudice
20 to defendants. Dkt. No. 90.

21 The plaintiffs seek an extension in order to i) receive a copy of Dragon Naturally Speaking
22 Legal software purchased from Amazon, which the plaintiffs claim is necessary for them to draft
23 their amended complaint, and ii) hear whether prospective counsel that the plaintiffs have
24 contacted will represent them in this case. The plaintiffs do not specify how long of an extension
25 they seek, but they state that the estimated delivery time for the Dragon Naturally Speaking Legal
26 software is six to eight weeks from its purchase date of December 26, 2013.

27 The Court does not believe that a six to eight week extension while plaintiffs await their
28 new copy of Dragon Naturally Speaking Legal software is warranted. Plaintiffs have filed several

1 lengthy briefs, including the present brief (*see, e.g.*, Dkt. Nos. 64, 65, 69, 74, 88), since October 2,
2 2013, when they claim their prior version of the software was confiscated, demonstrating their
3 ability to prepare lengthy pleadings without the software.

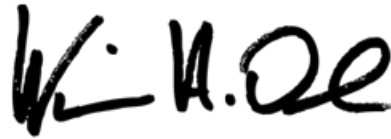
4 The Court, however, extends the deadline for plaintiffs to file an amended complaint until
5 January 31, 2014 to afford plaintiffs time to determine whether counsel will represent them in this
6 case and, if so, prepare an amended complaint. Whether or not plaintiffs obtain counsel, or
7 anything else occurs between now and then, the last day for plaintiffs to amend their complaint is
8 January 31, 2014. Otherwise, the existing complaint shall be treated as the operative pleading.

9 **CONCLUSION**

10 The last day to amend the complaint is January 31, 2014. If it is not amended, the existing
11 complaint shall be the operative complaint.

12 **IT IS SO ORDERED.**

13 Dated: January 9, 2014



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WILLIAM H. ORRICK
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DONALD ROSE, et al,
Plaintiff,

Case Number: CV13-03502 WHO
CERTIFICATE OF SERVICE

v.

TRENT RHORER, et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.


That on January 9, 2014, I SERVED true and correct copies of the attached, by placing said copies in postage paid envelopes addressed to the persons hereinafter listed, by depositing said envelope in the U.S. Mail.

Donald Rose
The Next Door Homeless Shelter
1001 Polk Street, Bed Number #111
San Francisco, CA 94109

Elley Fore
The Next Door Homeless Shelter
1001 Polk Street, Bed Number #111
San Francisco, CA 94109

Larry Richards
The Next Door Homeless Shelter
1001 Polk Street, Bed Number #111
San Francisco, CA 94109

Dated: January 9, 2014


Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk