

UNITED STATES DISTRICT COURT
For the Northern District of California

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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

THOMAS E. SMITH,

No. C 14-01741 LB

Plaintiff,

v.

**ORDER (1) EXTENDING THE
DEADLINES FOR THE FILING AND
SERVICE OF THE FIRST AMENDED
COMPLAINT AND (2) CONTINUING
THE CASE MANAGEMENT
CONFERENCE**

BRAD HOFFMAN, et al.,

Defendants.

On March 9, 2015, this court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. The court did so because, although the action was filed on April 16, 2014, Plaintiff still had not served Defendants with the complaint and summons.

On March 10, 2015, Plaintiff's counsel responded to the order to show cause. He explained that he has been facing some personal difficulties of late and that his paralegal, who knows much about this action, has been dealing with a medical problem for the last few months. These things prevented him from drafting, filing, and serving a first amended complaint. He also said that Defendants' counsel had no objection to the delay in service.

Based on Plaintiff's counsel's representations, the court discharged its order to show cause and directed Plaintiff's counsel to file and serve a first amended complaint by April 27, 2015.

On April 13, 2015, the court's courtroom deputy received an email from Kristen O'Hagan (attached), who apparently works with Plaintiff's counsel. She says that there has been a medical emergency in Plaintiff's counsel's family and he must travel to the east coast. On Plaintiff's

1 counsel's behalf, she asks the court to extend the deadline for filing and serving the First Amended
2 Complaint by 30 days. She also asks that the April 23, 2015 case management conference be
3 continued by 30 days as well.

4 The court grants the request. Plaintiff's counsel shall file and serve the First Amended
5 Complaint by June 1, 2015. The court continues the April 23, 2015 case management conference to
6 July 2, 2015 at 11:00 a.m. in Courtroom C, 15h Floor, United States District Court, 450 Golden Gate
7 Avenue, San Francisco, California 94102.

8 **IT IS SO ORDERED.**

9 Dated: April 15, 2015

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LAUREL BEELER
United States Magistrate Judge

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Smith v. Hoffman: 3:14-cv-01741-LB

Kristen O'Hagan - BLG to: Lashanda_Scott@cand.uscourts.gov

04/13/2015 02:52 PM

Cc: Marilyn Born - BLG

History:

This message has been replied to and forwarded.

Good afternoon Lashanda,

My name is Kristen O'Hagan, and I work with Tom A. Moore, Esq., the attorney for Plaintiff, Thomas E. Smith. A Case Management Conference for the above entitled case is currently set for April 23, 2015 at 11 am. However, there has been a medical emergency in Attorney Moore's family and he must travel to east coast. We would like to request that the CMC be rescheduled 30 days. Additionally, the deadline to file the First Amended Complaint for this case is April 27, 2015. We would like to request that the deadline to file be extended 30 days, as well.

Please do not hesitate to contact me with any questions or concerns via phone or email. If I am unavailable, please ask for Marilyn Born. The telephone number at the office is (760) 230-4449. If need be, you may also contact Attorney Moore on his cell phone, (650) 575-4991.

I greatly appreciate your help, and I hope you're having a wonderful day.

Kristen O'Hagan