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6 Attorneys for Defendant
 7 LITTLE WISH FOUNDATION, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10	LITTLE WISHES,	)	Case No. 3:16-cv-06613-MMC
)	
11	Plaintiff.	)	DEFENDANT LITTLE WISH
		)	FOUNDATION, INC.’S EX PARTE
12	v.	)	APPLICATION FOR AN ORDER
		)	EXTENDING TIME TO RESPOND
13	LITTLE WISH FOUNDATION,	)	TO PLAINTIFF’S FIRST
		)	AMENDED COMPLAINT; PROPOSED
14	Defendant.	)	ORDER
		)	HON. MAXINE M. CHESNEY
15)	
16		)	Complaint Filed: Nov. 15, 2016
17	_____)	

18 EX PARTE APPLICATION

19 Defendant Little Wish Foundation, Inc., hereby applies to the Court ex parte for an Order
 20 extending time to respond to Plaintiff’s First Amended Complaint.
 21

22 On Aril 24, 2017, this Court entered an Order permitting Plaintiff to file its First Amended
 23 Complaint. The Order was silent as to the deadline for Defendant’s filing of a responsive pleading.
 24 If no time is specified, the answer is due within the time remaining for response to the original
 25 complaint or within 14 days after service of the amended complaint, whichever is longer. [FRCP
 26 15(a)(3)] Plaintiff’s First Amended Complaint was filed on April 25, 2017. ECF 55. Therefore, a
 27 responsive pleading is due on or before May 9, 2017.

28 On May 4 and 5 2017, The undersigned counsel has contacted counsel for Plaintiff Little

1 Wishes by both voice-mail and by e-mail in order to request a stipulation to extend time to respond
2 to Plaintiff's First Amended Complaint. Plaintiff's counsel has not responded to these requests.

3 On May 5, 2017, the undersigned advised Plaintiff's counsel by voice-mail and e-mail that
4 this ex parte request for an Order allowing an extension of time to respond to Plaintiff's First
5 Amended Complaint would be made to the Court. Plaintiff's counsel finally responded that she
6 would not consent to this request until after the undersigned agreed to a date and time to meet &
7 confer over a discovery dispute.

8 Defendant has not sought or obtained any previous extensions of time. Such an extension
9 of time is both timely and is necessary to allow Defendant additional time to prepare a response to
10 Plaintiff's First Amended Complaint which presents complex trademark, unfair competition and
11 common law claims. Due to ongoing settlement negotiations, responding to Plaintiff's discovery
12 requests, responding to Plaintiff's meet & confer letters and other related matters, Defendant has
13 not been able to complete its preparation of the responsive pleading.

14 Defendant requests an additional 7 days by which to file a response to Plaintiff's First
15 Amended Complaint.

16 NIELSEN, HALEY & ABBOTT LLP

17
18 May 5, 2017

By: /s/ Stuart E. Jones

19 Stuart E. Jones
20 Attorneys for Defendant
21 LITTLE WISH FOUNDATION, INC.

1 foregoing is true and correct.

2

3 Dated: May 5, 2017

/s/ Stuart E. Jones _____
Stuart E. Jones

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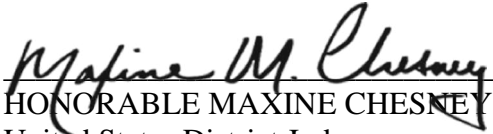
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~~EX PARTE ORDER~~

and Plaintiff's statement of non-opposition thereto,
Having considered Defendant's ex parte application ~~for an extension of time to plead,~~ and
finding good cause therefore.

IT IS HEREBY ORDERED that Defendant shall have to and including May 16, 2017 by
which to file a response to Plaintiff's First Amended Complaint.

Dated: May 8, 2017


HONORABLE MAXINE CHESNEY
United States District Judge