

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

3
4 GEOFFREY PECOVER and ANDREW
5 OWENS, on behalf of themselves
6 and all other similarly situated,

7 Plaintiffs,

8 v.

9 ELECTRONIC ARTS, INC.,

10 Defendant.

No. C 08-2820 CW

ORDER EXTENDING
TIME FOR RESPONSE
BRIEF OF OBJECTOR
THEODORE H. FRANK

11 _____/

12 On February 7, 2013, the Court held a hearing on Plaintiffs'
13 motions for final approval of a class action settlement and for
14 attorneys' fees. Docket No. 441. At that time, the Court delayed
15 ruling on the motion for final approval of the class action
16 settlement to allow the parties to respond to its concerns
17 regarding the allocation of the settlement fund. The Court stated
18 that counsel for Plaintiffs and Defendant were to file their
19 supplemental brief within two weeks thereafter or, if they wished
20 to await the passing of the claims submission deadline, at a later
21 date. The Court stated that counsel for Objector Theodore H.
22 Frank was to file his response two days after Plaintiffs and
23 Defendant filed their brief.

24 On February 21, 2013, Plaintiffs and Defendant filed a joint
25 notice, stating that they would wait until after the current claim
26 submission deadline had passed to submit their supplemental brief.
27 Docket No. 442. They represented that they would file their brief
28 on March 19, 2013. Thus, because of the Court's prior order,
Frank's response was due March 21, 2013.

1 On February 22, 2013, Frank filed a response to the joint
2 notice, objecting to what he characterizes as a "proposed response
3 time" of two days for his response to their supplemental brief.
4 Docket No. 443. He argues that, because their supplemental brief
5 "could be submitted on the evening of March 19, Frank's counsel
6 will in effect have only one day (March 20) to prepare his
7 response" and that it will be difficult to complete his submission
8 in one day. Id. at 2.

9 Frank's objections are not well-taken. Plaintiffs and
10 Defendant did not "propose" a two-day time period for Frank's
11 response. The Court already set that deadline at the February 7,
12 2013 hearing. Further, under that schedule, Frank's counsel will
13 have two days, not one, to prepare his response; just as
14 Plaintiffs and Defendant may electronically file their
15 supplemental brief on the evening of March 19, 2013, Frank's
16 counsel may also electronically file his response on the evening
17 of March 21, 2013. See Civil Local Rule 5-1(e)(4) ("All
18 electronic transmissions of documents must be completed . . .
19 prior to midnight in order to be considered timely filed that
20 day.").

21 Nevertheless, because Frank represents that his counsel has a
22 prior commitment on March 20, 2013, the Court extends the deadline
23 for his response brief until Friday, March 22, 2013.

24 IT IS SO ORDERED.

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26 Dated: 2/25/2013


CLAUDIA WILKEN
United States District Judge

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