

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 Case No. 17-cv-06953-KAW

8 CYNTHIA N TURANO,

9 Plaintiff,

10 v.

11 COUNTY OF ALAMEDA, et al.,

12 Defendants.

**ORDER GRANTING MOTION TO
ENLARGE TIME; DENYING EX
PARTE APPLICATION TO STRIKE
DEFENDANTS' MOTIONS AS
UNTIMELY**

Re: Dkt. No. 41, 42

United States District Court
Northern District of California

13
14 On August 10, 2018, Defendants filed a motion to dismiss the second amended complaint
15 and a motion to strike the second amended complaint. (Dkt. Nos. 38, 39.) On August 14, 2018,
16 Plaintiff filed an ex parte application to strike Defendants' motions as untimely, as the motions
17 were due within 14 days of the filing of the second amended complaint. (Dkt. No. 41.) That same
18 day, Defendants filed a motion to enlarge the time to file their motions to dismiss and strike. (Dkt.
19 No. 42.)

20 The Court GRANTS Defendants' motion to enlarge time. The filing of the motions seven
21 days after the deadline is not prejudicial to Plaintiff, nor will it cause any delay to the case.¹ While
22 Defendants must be more careful in the future about correctly calculating dates, there is no
23 showing that Defendants' conduct was not in good faith.

24 Because the Court grants Defendants' motion to enlarge time, the Court DENIES Plaintiff's
25 ex parte application to strike Defendants' motions as untimely. The Court will, however, extend
26 Plaintiff's opposition deadline to **August 29, 2018**. Defendants' reply is due by **September 5**,

27
28 ¹ Indeed, Plaintiff was willing to stipulate to a seven-day extension if Defendants agreed to
withdraw their motions. (Huang Decl., Exh. A, Dkt. No. 41-1.)

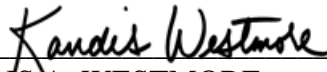
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2018.

In the future, the parties should be mindful of the Northern District of California's Guidelines for Professional Conduct, which states that "a lawyer should agree to reasonable requests for extensions of time when the legitimate interests of his or her client will not be adversely affected."

IT IS SO ORDERED.

Dated: August 20, 2018



KANDIS A. WESTMORE
United States Magistrate Judge