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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Paulo Aranda,

NO. C 06-04738 JW

Plaintiff,

**ORDER DENYING DEFENDANTS'  
REQUEST FOR ENTRY OF DISMISSAL  
PURSUANT TO COURT ORDER  
GRANTING DEFENDANTS' MOTION TO  
ENFORCE SETTLEMENT**

v.

NTH Connect Telecom Inc., et al.,

Defendants.

Presently before the Court is Defendants' Request for Entry of Dismissal.<sup>1</sup> Defendants seek to have this case dismissed pursuant to the terms of the parties' settlement because Plaintiff's counsel filed his fee request two days after the deadline. (Request at 2.)

In its October 1, 2008 Order, the Court ordered Plaintiff's counsel to file his fee request within fifteen days of the Order. (See Docket Item No. 127.) On October 17, 2008, Defendants filed the present Request because Plaintiff had not yet filed his fee request. Later that day, Plaintiff filed his fee request. On October 20, 2008, Plaintiff's counsel filed an objection to Defendants' present request. (See Docket Item No. 132.)

Plaintiff's counsel explains in his Objection that on October 2, 2008, he was admitted to the hospital and on October 3, 2008, underwent a Coronary Artery Angioplasty. (Docket Item No. 132.) Plaintiff's counsel was released from the hospital on October 4, 2008, and advised by doctors not to work for one week. (Id.) He was also advised to work on a limited schedule for one week following

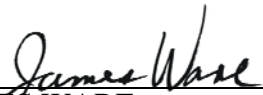
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<sup>1</sup> (Defendants' Request for Entry of Dismissal Pursuant to Court Order Granting Defendants' Motion to Enforce Settlement, hereafter, "Request," Docket Item No. 128.)

1 his initial week of rest. (Id.) Accordingly, Plaintiff's counsel was unable to file his fee request until  
2 October 17, 2008, two days after the deadline set by the Court. (Id.) Although Plaintiff's counsel  
3 should have found a way to notify the Court regarding his inability to file a timely fee request, the  
4 Court finds that Plaintiff's counsel has shown good cause for the Court to excuse his tardy filings.

5 Accordingly, Defendants' Request is DENIED.

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7 Dated: October 24, 2008

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net  
3 Grant Andrew Carlson gcarlson@go4law.com

4 **Dated: October 24, 2008**

**Richard W. Wieking, Clerk**

5  
6 **By:           /s/ JW Chambers**  
7 **Elizabeth Garcia**  
8 **Courtroom Deputy**

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