

1 John A Stottlemire
2 33103 Lake Garrison Street
3 Fremont, CA 94555
4 Telephone: (614) 358-4185
5 Email: jstottl@comcast.net
6 Defendant, pro se

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 COUPONS, INC., a California corporation,) Case No.: 5:07-cv-03457-HRL
11)
12 Plaintiff,) **DECLARATION OF JOHN**
13) **STOTTMIRE IN SUPPORT OF**
14) **DEFENDANTS ADMINISTRATIVE**
15) **MOTION TO EXTEND TIME TO**
16) **RESPOND TO SECOND AMENDED**
17) **COMPLAINT**
18)
19) Courtroom: 2, 5th Floor
20) Judge: Hon. Howard R. Lloyd

21 I, John Stottlemire, hereby declare:

- 22 1. I am one of the Defendants in this action. I state all facts herein of my own first
23 hand knowledge, and if called as a witness, I could and would competently testify thereto.
- 24 2. I am a *pro se* litigant and require additional time to understand the law and file an
25 effective responsive pleading.
- 26 3. I received the complaint initially on December 27, 2007. On December 28, 2007
27 I sent an email to opposing counsel requesting an extension of 60 days to file responsive
28 pleadings to the Second Amended Complaint. A true and correct copy of this email is attached
as Exhibit A. Opposing counsel offered an extension of 30 days in response to my request on
January 1, 2008 and promised to speak with me “this week” (the week of January 1, 2008)
regarding my request for an extension of 60 days. A true and correct copy of this email is
attached as Exhibit B. At weeks end I had not received any further communication from
Declaration of John Stottlemire in support of Administrative Motion to Extend Time to Respond
to Second Amended Complaint.
No. C-07-03457 HRL

EXHIBIT A

John Stottlemire

From: jstottl@comcast.net
Sent: Friday, December 28, 2007 4:50 PM
To: johna@stottlemire.net
Subject: FW: Coupons, Inc. v Stottlemire

----- Forwarded Message: -----

From: jstottl@comcast.net
To: dcusack@fbm.com
Subject: Coupons, Inc. v Stottlemire
Date: Sat, 29 Dec 2007 00:49:00 +0000
> Dennis,
>
> I would like to know if you would be willing to agree to an extension
> of time to allow me to file a responsive pleading to the Second
> Amended Complaint filed yesterday.
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> I would like an additional 60 days to file the responsive pleading.
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> As it stands, I only have 10 days and as a pro se defendant I do not
> have the knowledge or resources available to file the responsive pleading that quickly.
>
> Thank you in advance
>
> -john stottlemire

EXHIBIT B

John Stottlemire

From: NGoteiner@fbm.com
Sent: Tuesday, January 01, 2008 10:56 AM
To: jstottl@comcast.net
Cc: CAlameda@fbm.com; DCusack@fbm.com
Subject: RE: Coupons, Inc. v Stottlemire

One of us will speak with you this week. For now, we'll agree to a 30 day extension. Neil

-----Original Message-----

From: jstottl@comcast.net [mailto:jstottl@comcast.net]
Sent: Friday, December 28, 2007 5:42 PM
To: Goteiner, Neil (24) x4485
Cc: Alameda, Carly (20) x4981
Subject: FW: Coupons, Inc. v Stottlemire

I'm not sure if Dennis is on vacation or not.
I left him a voice mail yesterday attempting to discuss the forwarded message below.

Could someone at your lawfirm address this please?

Thank you

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EXHIBIT C

John Stottlemire

From: John Stottlemire [jstottl@comcast.net]
Sent: Saturday, January 05, 2008 10:49 AM
To: 'NGoteiner@fbm.com'
Subject: RE: Coupons, Inc. v Stottlemire

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Thank you

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Sent: Tuesday, January 01, 2008 10:56 AM
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Subject: RE: Coupons, Inc. v Stottlemire

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Tracking:

Recipient

'NGoteiner@fbm.com'

Read

Read: 1/5/2008 10:53 AM

EXHIBIT D

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From: NGoteiner@fbm.com
Sent: Saturday, January 05, 2008 10:55 AM
To: jstottl@comcast.net
Cc: CALameda@fbm.com; DCusack@fbm.com
Subject: continuance and scheduling TC next week

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LLP

EXHIBIT E

John Stottlemire

From: NGoteiner@fbm.com
Sent: Sunday, January 06, 2008 12:49 PM
To: jstottl@comcast.net
Cc: DCusack@fbm.com; CAlameda@fbm.com
Subject: RE: continuance and scheduling TC next week

I agreed to 30 days. Please change your stipulation accordingly. Thanks.
Neil

-----Original Message-----

From: John Stottlemire [mailto:jstottl@comcast.net]
Sent: Sunday, January 06, 2008 11:52 AM
To: Goteiner, Neil (24) x4485
Subject: RE: continuance and scheduling TC next week

See attached

-----Original Message-----

From: NGoteiner@fbm.com [mailto:NGoteiner@fbm.com]
Sent: Saturday, January 05, 2008 10:55 AM
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Cc: CAlameda@fbm.com; DCusack@fbm.com
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EXHIBIT F

John Stottlemire

From: John Stottlemire [jstottl@comcast.net]
Sent: Sunday, January 06, 2008 3:58 PM
To: 'NGoteiner@fbm.com'
Subject: RE: continuance and scheduling TC next week

I'm begging for 60.

I need the extra time so that I can research the elements Coupons, Inc is required to establish for the Second Cause of Action, the Third Cause of Action, the Fourth Cause of Action and the Fifth Cause of action and prepare a motion to dismiss should the complaint fall short of the "Twombly Standard"

I obviously do not have the resources available that your law firm does and am only requesting the time so that I may do the proper research and file an effective motion.

Please give me the 60 days.

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Tracking:

Recipient

Read

Recipient

'NGoteiner@fbm.com'

Read

Read: 1/6/2008 4:57 PM

EXHIBIT G

John Stottlemire

From: NGoteiner@fbm.com
Sent: Sunday, January 06, 2008 5:01 PM
To: jstottl@comcast.net
Cc: DCusack@fbm.com; CAlameda@fbm.com
Subject: RE: continuance and scheduling TC next week

You don't need to beg for anything. For the moment you have 30 so you have nothing to worry about. Next week Dennis or I, after speaking to the client, will speak to you about your request for an additional 30 days. Maybe one day you'll explain to me why you need to spend so much of your time on this matter.

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LLP

1 John A Stottlemire
2 33103 Lake Garrison Street
3 Fremont, CA 94555
4 Telephone: (614) 358-4185
5 Email: jstottl@comcast.net
6 Defendant, pro se

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 COUPONS, INC., a California corporation,) Case No.: 5:07-cv-03457-HRL
11)
12 Plaintiff,) [PROPOSED] ORDER GRANTING
13) MOTION TO EXTEND TIME TO RESPOND
14 vs.) TO SECOND AMENDED COMPLAINT
15)
16 JOHN STOTTLEMIRE, and DOES 1-10,)
17)
18 Defendant)
19)
20)
21)
22)
23)
24)
25)

26 The court has considered the motion and opposition, if any, and finding good cause
27 exists, the court GRANTS the administrative motion for extension to respond to the Second
28 Amended Complaint. The court orders that Defendant has 60 days from the original deadline to
respond to the complaint. The court further vacates the Order for Joint Case Management
Statement and the Initial Case Management Conference until after the Defendant has responded
to the complaint.

Hon. Howard R. Lloyd
Magistrate Judge

Presented By:

John Stottlemire (*pro se*)
Defendant

Order on Defendant's Administrative Motion to Extend
Time to Respond to Complaint
No. C-07-03457 HRL