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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALMA YADIRA, et al.,
Plaintiffs,
v.
JESUS FERNANDEZ, et al.,
Defendants.

Case Nos. C-08-05721, C-08-05722 RMW
(related)

**ORDER DENYING PLAINTIFF'S THIRD
MOTION TO EXTEND TIME TO FILE
MOTION FOR FEES AND COSTS
PENDING APPEAL**

FLORENCIA MONDRAGON, et al.,
Plaintiffs,
v.
JESUS FERNANDEZ, et al.,
Defendants.

Plaintiff Yadira files her third motion to extend time to file her attorneys' fees motion. This time, she cites a statute that she claims requires the court to allow her to file her fees motion after the appeal. A quick look at the statute reveals otherwise. 28 U.S.C. § 2412(d)(1)(B) only

1 applies when the United States is a party. The United States is not a party in this action. Yadira's
2 motion is denied.

3 To avoid prejudice to the defendant in responding to the motion on the court's original
4 schedule, the hearing is rescheduled for Friday, January 17, 2014 at 9 a.m. Absent an unexpected
5 event, **this date will not be changed.** As Plaintiff Yadira has had more than ample time to
6 prepare her fees motion, **the motion will be filed no later than Thursday, December 12, 2013.**
7 Defendant Fernandez's opposition will be filed no later than Monday, December 30, 2013.
8 Plaintiff's reply brief, if any, will be filed no later than Monday, January 6, 2014.

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Dated: December 10, 2013



Ronald M. Whyte
United States District Court Judge