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6 Attorneys for Defendants
MACY'S, INC. and MARISELA ZAMBRANO

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 FIERIAL KAREN ARDALAN,

13 Plaintiff,

14 v.

15 MACY'S INC., and MARISELA
ZAMBRANO,

16 Defendants.
17
18

Case No. 5:09-cv-04894-JW

**DEFENDANTS' APPLICATION FOR AN
EXTENSION OF TIME FOR FILING
RESPONSE TO PLAINTIFF'S PETITION
FOR VACATING THE ARBITRATION
AWARD; [PROPOSED] ORDER**

19 **TO THE HONORABLE COURT AND TO PLAINTIFF *IN PRO PER* FIERIAL KAREN**
20 **ARDALAN:**

21 Defendants MACY'S, INC. ("Macy's") and MARISELA ZAMBRANO ("Zambrano")
22 (collectively "defendants") by and through their counsel, hereby requests an extension of time,
23 through and until Monday, January 9, 2012, within which to respond to the Plaintiff FIERIAL
24 KAREN ARDALAN's ("Plaintiff") Petition for Vacating the Award. In support of this motion,
25 Defendants state the following:

26 1. On December 15, 2011, Plaintiff manually filed her Petition for Vacating the Award
27 and Exhibits 1- 25 (collectively "Petition") with the Clerk's office and copies of the Petition were
28 served by mail to Defendants' counsel on December 20, 2011. (**Exhibit A**)

1 2. On December 28, 2011, Defendants' counsel received via email Document 54 – the
2 Court's Notice of Electronic Filing of Plaintiff's Petition that was filed on December 15, 2011.
3 The Docket Text in that December 28, 2011 notice outlined the deadlines for responses and
4 replies as December 29, 2011 and January 5, 2012, respectively. (**Exhibit B**)

5 3. Defendants' primary attorney on this case, Robert Schnack, is presently out-of-state
6 attending his mother's 90th birthday, and I am not sufficiently familiar with the facts of the
7 arbitration portion of this matter to prepare and file a response to the Petition on the Court's one-
8 day notice.

9 4. Based on Mr. Schnack's pre-scheduled absence and the Court staff's apparently
10 mistaken notice of the filing deadlines, Defendants request a mutual 14-day extension of time on
11 the current deadlines of up to and including **Wednesday, January 12, 2012**, for Defendants'
12 response and up to and including **Thursday, January 19, 2012**, for Plaintiff's reply.

13 5. This application is brought in good faith and not for the purposes of delay. Thus, the
14 extension of time requested herein will not prejudice the Court or the parties.

15 WHEREFORE, Defendants Macy's Inc. and Marisela Zambrano respectfully request that
16 the Court grant their Application for Extension of Time to Respond to Plaintiff's Petition for
17 Vacating the Award and grant such other and further relief as the Court deems just and proper.

18 Date: December 28, 2011

JACKSON LEWIS LLP

19
20 By: /s/ [Douglas M. Egbert]

ROBERT J. SCHNACK
DOUGLAS M. EGBERT

21 Attorneys for Defendants
22 MACY'S, INC. and MARISELA
23 ZAMBRANO
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~~PROPOSED~~ ORDER

The Court, having considered the foregoing Defendants' Application for Extension of Time to Respond to Plaintiff's Petition for Vacating Award and finding no prejudice to either party, hereby grants said Application to extend the deadlines for Defendants' response to **January 12, 2012** and Plaintiff's reply to **January 19, 2012**.

IT IS SO ORDERED.

Dated: December 28, 2011



EDWARD J. DAVILA
United States District Court Judge
Northern District of California

EXHIBIT A

December 20, 2011

Office of Clerk
United States District Court
Northern District of California
San Jose, CA 95113

Re: Case No. C09-048494JW
Arbitration Case No.: 74 160 00018 11

Subj: **Updating the Certificate of Service by placing the second Certificate of Service
in the Petition to Vacate Award**

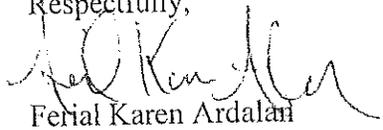
Dear Sir/Madam:

I am the pro per Plaintiff/Appellant in the above captioned Case. On December 15, 2011, I filed the Petition to Vacate Award of the above captioned Case Number. I had included the Certificate of Service to the package of Motion by placing it on the last page of the Motion and before the Exhibit A Tab.

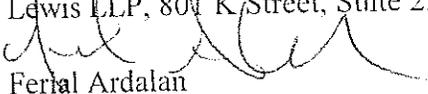
Today, December 20, 2011, I made a timely service of the above motion and its attached Exhibits to the Defendant's CEO and President. I therefore, attach two copies of the Certificate of Service in which I have included the service of the Motion to the Defendant's CEO, for the files in the Clerk's Office.

I, respectfully, request your kind attention to the above matter by inserting the second Certificate of Service in the package of the Motion and before the **Exhibit A Tab**, by which insertion, the service of the aforementioned Motion will be updated.

Respectfully,


Ferial Karen Ardalan
P.O. Box OD
Pacific Grove, CA 93950
(831) 655-5350

I hereby certify that a copy of this letter and the attachment will be mailed via first class mail, today, December 20, 2011, to the Defendant's legal counsel: Robert J. Schnack, Esq., Jackson Lewis LLP, 801 K Street, Suite 2300, Sacramento, CA 95814.


Ferial Ardalan
pro per Plaintiff

1 CERTIFICATE OF SERVICE

2
3 I, Ferial Karen Ardalan, Plaintiff/Appellant, hereby certify that copies of Plaintiff's Petition to
4 Vacate Award in relation to Case No. C09-048494JW, Arbitration Case No.: 74 160 00018 11, including
5 its attachments were hand delivered on December 15, 2011, to:

6
7 Office of the Clerk
8 United States District Court
9 Northern District of California
10 San Jose, CA 95113,

11 and were served via Certified First Class Mail to Defendant's legal representative,

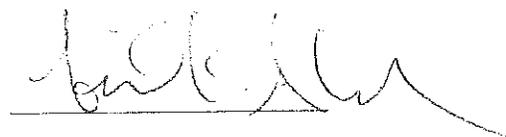
12 Robert J. Schnack, Esq.,
13 Jackson Lewis LLP
14 801 KStreet, Suite 2300
15 Sacramento, CA 95814
16 (916) 341-0404 - Main
17 (916) 341-0141 - Fax

18 and on December 20, 2011, were served via Certified First Class mail to Macy's President and CEO,

19 Mr. Terry J. Lundgren
20 President and CEO
21 Macy's Inc.,
22 151 W. 34th Street
23 Manhattan, NY. 10001.

24 I declare under the penalty of perjury under the laws of the State of California that the foregoing is true
25 and correct.

26 Dated: December 20, 2011



27 Ferial K. Ardalan
28 Plaintiff, pro per

EXHIBIT B

From: ECF-CAND@cand.uscourts.gov
Sent: Wednesday, December 28, 2011 8:39 AM
To: efileing@cand.uscourts.gov
Subject: Activity in Case 5:09-cv-04894-JW Ardalan v. Macy's et al Motion to Vacate

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 12/28/2011 at 8:38 AM PST and filed on 12/15/2011

Case Name: Ardalan v. Macy's et al

Case Number: 5:09-cv-04894-JW

Filer: Ferial Karen Ardalan

WARNING: CASE CLOSED on 12/15/2010

Document Number: 54(No document attached)

Docket Text:

*****OVERSIZED DOCUMENT***** PLAINTIFF'S PETITION FOR: VACATING THE AWARD, AN ORDER REINSTATING THE COMPLAINT AGAINST MARISELA ZAMBRANO filed by Ferial Karen Ardalan. Responses due by 12/29/2011. Replies due by 1/5/2012. (tsh, COURT STAFF) (Filed on 12/15/2011)

5:09-cv-04894-JW Notice has been electronically mailed to:

Robert Jerry Schnack schnackr@jacksonlewis.com, LoriLynn.Bauer@jacksonlewis.com,
SacramentoDocketing@JacksonLewis.com

5:09-cv-04894-JW Please see General Order 45 Section IX C.2 and D; Notice has NOT been electronically mailed to:

Ferial Karen Ardalan
P.O. Box OD
Pacific Grove, CA 93950

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PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Jackson Lewis LLP, 801 K Street, Suite 2300, Sacramento, California 95814.

On December 28, 2011, I served the within:

**DEFENDANTS' APPLICATION FOR AN EXTENSION OF TIME FOR FILING
RESPONSE TO PLAINTIFF'S PETITION FOR VACATING THE AWARD;
[PROPOSED] ORDER**

on the parties in said cause:

X by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid for deposit in the United States Post Office mail box, at my business address shown above, following Jackson Lewis LLP's ordinary business practices for the collection and processing of mail, of which I am readily familiar, and addressed as set forth below. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

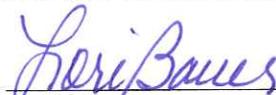
by depositing a true and correct copy thereof enclosed in a sealed envelope with delivery fees thereon fully prepaid in a box or other facility regularly maintained by Overnite Express or delivering to an authorized courier or driver authorized by Overnite Express to receive documents, addressed as set forth below.

by transmitting a true and correct copy by facsimile from facsimile number (916) 341-0141 to the person(s) at the facsimile number(s) set forth below, which transmission was confirmed as complete. A copy of the transmission record is attached hereto.

PLAINTIFF IN PRO PER

Ferial Karen Ardalan
PO Box OD
Pacific Grove, California 93950
Tel: 831-655-5350

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 28, 2011, at Sacramento, California.


Lori Bauer