

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ALFREDO A. BERCILLA et al.,	)	Case No. 5:14-cv-04263-PSG
	)	
Plaintiff,	)	<b>ORDER GRANTING MOTION TO</b>
v.	)	<b>EXTEND TIME</b>
	)	
CAL-WESTERN RECONVENYANCE, LLC, et	)	<b>(Re: Docket No. 17)</b>
al.,	)	
	)	
Defendants.	)	

After Defendants notified the court that Plaintiffs did not file any timely opposition to their motion to dismiss,<sup>1</sup> Plaintiffs request an enlargement of time to respond to Defendants’ motion.<sup>2</sup> The court finds the motion to extend time suitable for disposition on the papers pursuant to the local rules.<sup>3</sup>

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<sup>1</sup> See Docket No. 15 at 2.

<sup>2</sup> See Docket No. 17.

<sup>3</sup> See Civil L.R. 7-1(b) (“In the Judge’s discretion, or upon request by counsel and with the Judge’s approval, a motion may be determined without oral argument or by telephone conference call”); Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings”).

1 The Federal Rules of Civil Procedure provide that “a court may, for good cause” extend the  
2 time to file a response “on motion made after the time has expired if the party failed to act because  
3 of excusable neglect.”<sup>4</sup>

4 With regard to their delay, Plaintiffs cite their pro per status, their lack of access to staff or  
5 an attorney and complications with stress due to Defendants’ auctioning of their house.<sup>5</sup>

6 Having reviewed the arguments and circumstances, the court is satisfied that allowing  
7 Plaintiffs a modest extension of time is fair and will not unduly prejudice Defendants. The court  
8 GRANTS Plaintiffs an extension such that Plaintiffs may file a response no later than December  
9 16, 2014. Replies are due by December 23, 2014. The hearing on the motion is rescheduled to  
10 January 6, 2014 at 10:00 a.m.

11 **SO ORDERED.**

12 December 4, 2014

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16 PAUL S. GREWAL  
17 United States Magistrate Judge  
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27 <sup>4</sup> See Fed. R. Civ. P. 6(b).

28 <sup>5</sup> See Docket No. 17 at 2.