

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARIA W. LEE, et al.,
Plaintiffs,
v.
RETAIL STORE EMPLOYEE BUILDING
CORPORATION, et al.,
Defendants.

Case No. [5:15-cv-04768-HRL](#)

**ORDER GRANTING IN PART
PLAINTIFFS' ADMINISTRATIVE
MOTION FOR EXTENSION OF TIME**

Re: Dkt. No. 64

Plaintiffs Maria Lee and Wen Lee, who are now represented by counsel, request an extension of time to file their opposition to defendants Retail Store Employee Building Corp.'s and Casa Del Pueblo Apartments' Fed. R. Civ. P. 12(b)(6) motion to dismiss the First Amended Complaint. Under the circumstances presented, this is a matter that reasonable counsel should have been able to resolve, and defendants' opposition to the requested extension is not well taken. Nevertheless, this court is aware that plaintiffs' counsel's upcoming trial before Judge Koh has just been continued. Accordingly, plaintiffs will be given more time, but the court will require their opposition papers to be filed no later than **June 23, 2016**. Reply papers are due by **June 30, 2016**. The motion hearing is continued to **July 19, 2016, 10:00 a.m.**


As for defendant Preservation Partners Management Group (PPMG), Maria and Wen Lee state that they do not intend to oppose PPMG's pending summary judgment motion and are

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inclined to dismiss PPMG without prejudice. Because PPMG has filed both an answer and a summary judgment motion, at this point, plaintiffs can dismiss PPMG only through (1) a stipulation signed by all parties who have appeared in the action or (2) a court order. Fed. R. Civ. P. 41(a)(1), (2). Accordingly, **within 10 days from the date of this order**, plaintiffs shall file either a stipulated dismissal or a request for dismissal and proposed order.

SO ORDERED.

Dated: June 9, 2016



HOWARD R. LLOYD
United States Magistrate Judge

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5:15-cv-04768-HRL Notice has been electronically mailed to:

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