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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT GERTH *et al.*,  
Plaintiffs,  
v.  
AMERICAN MORTGAGE EXPRESS  
FINANCIAL, *et al.*,  
Defendants.

Civil No. 09cv2475-L(RBB)

**ORDER DENYING JOINT MOTION  
TO EXTEND TIME TO RESPOND  
TO THE FIRST AMENDED  
COMPLAINT**

On July 9, 2010 Plaintiffs and Defendant First American Title Insurance Company (“First American”) filed a Joint Motion to Extend Time for Defendant First American Title Insurance Company to Respond to First Amended Complaint. First American’s response was due on May 26, 2010; accordingly the showing required for an extension is excusable neglect pursuant to Federal Rule of Civil Procedure 6(b)(1)(B). *See Pioneer Investment Services Company v. Brunswick Associates*, 507 U.S. 380, 395 (1993); *Kyle v. Campbell Soup Co.*, 38 F.3d 928 (9th

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1 Cir. 1994); *Pincay v. Andrews*, 389 F.3d 853, 855 (9th Cir. 2004) (*en banc*). Because the parties  
2 do not address the applicable standard, their joint motion is **DENIED WITHOUT**  
3 **PREJUDICE.**

4 **IT IS SO ORDERED.**

5  
6 DATED: July 12, 2010

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8   
M. James Lorenz  
United States District Court Judge

9 COPY TO:

10 HON. RUBEN B. BROOKS  
UNITED STATES MAGISTRATE JUDGE

11 ALL PARTIES/COUNSEL