

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH CASIAS,

Plaintiff,

Case No.: 1:10-cv-781

v.

Hon. Robert J. Jonker

WAL-MART STORES, INC., and
TROY ESTILL,

Removed from Calhoun County Circuit Court
Case No. 2010-2067-CZ

Defendants.

**STIPULATION AND ORDER REGARDING EXTENSION OF TIME TO
ANSWER PLAINTIFF'S COMPLAINT OR OTHERWISE PLEAD**

Defendants Wal-Mart Stores, Inc. and Troy Estill ("Defendants") and Plaintiff Joseph Casias, by and through their respective attorneys, jointly move this Court to extend the deadline for Defendants to answer Plaintiff's Complaint or otherwise plead by twelve days. In support thereof, the parties state as follows:

1. On August 5, 2010, Defendants removed this case from Calhoun County Circuit Court to this Court based on diversity jurisdiction. In accordance with Fed. R. Civ. P. 81(c)(2)(C), Defendants must answer or present other defenses or objections to Plaintiff's Complaint within seven (7) days after the notice of removal is filed. Accordingly, Defendants must file their answer to Plaintiff's Complaint or otherwise plead by August 12, 2010.

2. Prior to removing this case, the parties had entered into a stipulation providing that Defendants would have until August 24, 2010 to answer Plaintiff's Complaint or otherwise plead. The parties presented that stipulation to the Calhoun County Circuit Court. On August 4, Circuit Court Judge Conrad J. Sindt entered an order providing that Defendants would have until and through August 24, 2010 to file their answer to Plaintiff's Complaint or otherwise plead.

3. Fed. R. Civ. P. Rule 6(b)(1)(2) provides that a Court may, for good cause shown, extend the time for an act to be done if a party makes such request before the original time expires. Here, good cause exists. First, defense counsel has actively investigated Plaintiff's claims since being retained but, despite those efforts, will not be able to sufficiently prepare Defendants' defense to the claims before the deadline for answering the Complaint given the complexity of the legal issues involved and defense counsel's current case load. Second, Plaintiff will not be prejudiced by this twelve-day (12) extension of time and, in fact, by his counsel has consented to the extension. Third, this is the parties' first request for an extension of time in this Court and providing this extension will not impact any other dates in this case, given that the Court has not yet entered a scheduling order.

<p>JOSEPH CASIAS</p> <p><u>s/with consent of Daniel W. Grow</u></p> <p>DANIEL W. GROW, PLLC Daniel W. Grow (P48628) 515 Ship St., Suite 208 St. Joseph, MI 49085 Telephone: (269) 519-8222 Facsimile: (888) 977-6310 dgrow@lawssa.com</p> <p>ONE OF THE ATTORNEYS FOR PLAINTIFF</p>	<p>WAL-MART STORES, INC. AND TROY ESTILL</p> <p><u>/s/ Kelly A. Powis</u></p> <p>Kelly A. Powis (P71876) BARNES & THORNBURG LLP 171 Monroe Avenue, NW, Suite 1000 Grand Rapids, Michigan 49503 Telephone: (616) 742-3930 Facsimile: (616) 742-3999 kelly.powis@btlaw.com</p> <p>ONE OF THE ATTORNEYS FOR DEFENDANTS</p>
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ORDER

Upon consideration of the parties Stipulation Regarding an Extension of Time to Answer Plaintiff's Complaint or Otherwise Plead, the Court finds that good cause exists under Fed. R. Civ. P. Rule 6(b)(1)(2) for a twelve-day (12) extension of time and hereby orders that Defendants shall have until August 24, 2010, to answer Plaintiff's Complaint or Otherwise Plead.

Entered: _____

Hon. Robert J. Jonker
U.S. District Court Judge