


1 good faith, (3) the length of the delay and its potential impact on the proceedings, and (4) the
2 danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507
3 U.S. 380, 395, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993); *see also Comm. for Idaho's High Desert,*
4 *Inc. v. Yost*, 92 F.3d 814, 825 n. 4 (9th Cir.1996). The reason for delay in this case is, essentially, a
5 calendaring error. Although a weak justification, the Ninth Circuit has determined that a
6 calendaring error likely constitutes excusable neglect. *See e.g., Ahanchian v. Xenon Pictures, Inc.*,
7 624 F.3d 1253, 1262 (9th Cir. 2010). Permitting additional time for Plaintiff to file a response will
8 have minimal, if any, impact on the proceedings in this matter. Additionally, any prejudice to the
9 Defendants can be minimized by extending the time to file a reply.

10 Based on the foregoing and good cause appearing therefore,

11 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Clarification (#136) is **granted in**
12 **part and denied in part.**

13 **IT IS FURTHER ORDERED** that Plaintiff's response to Defendants' motion (#134) shall
14 be filed not later than **12:00 p.m. on Wednesday, February 20, 2013**. Defendants reply, if any,
15 shall be filed by **Monday, February 25, 2013**.

16 DATED this 19th day of February, 2013.

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20 **C.W. Hoffman, Jr.**
21 **United States Magistrate Judge**