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Attorneys for Defendant,  
 HUNTER WARFIELD  
 OF NEW ENGLAND, INC.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

18 JUSTINE MCMULLEN, an individual, on  
 19 behalf of herself and those similarly situated;

20 Plaintiffs,

21 vs.

22 HUNTER WARFIELD OF NEW ENGLAND,  
 23 INC., a Florida corporation,

24 Defendant.

Case No.: 2:16-cv-01646

**STIPULATION TO EXTEND TIME  
 FOR DEFENDANT TO FILE  
 OPPOSITION TO PLAINTIFF'S  
 MOTION FOR ATTORNEY FEES  
 [DKT. NO. 51]**

25 **TO THIS HONORABLE COURT:**

26 Plaintiff, JUSTINE MCMULLEN (“Plaintiff”) and Defendant, HUNTER WARFIELD OF  
 27 NEW ENGLAND, INC. (“Defendant”), by and through undersigned counsel, hereby stipulate and  
 28

1 agree as follows:

2 WHEREAS, on October 11, 2017, Plaintiff filed a Motion for An Award of Attorney Fees  
3 and Costs (Dkt. No. 51) (hereinafter “Motion”);

4 WHEREAS, due to an inadvertent calendaring error, Defendant did not file a timely  
5 Opposition to Plaintiff’s Motion on October 25, 2017 yet had every intention to file an Opposition  
6 but for its unusual calendaring oversight. See e.g. Pincay v. Andrews (9th Cir. 2004) 389 F.3d 853  
7 (Ninth Circuit Court of Appeals holding that district court may find “excusable” delay for untimely  
8 filing of notice of appeal due to failure of law firm’s calendaring system when it was caught quickly  
9 and hurt no one, and therefore court did not abuse its discretion in granting extension of time to file  
10 a notice of appeal).

11 WHEREAS, the parties have met and conferred and agree to provide Defendant an  
12 extension of time through December 22, 2017 to file an Opposition to Plaintiff’s Motion.

13 WHEREAS, this request is not made for any improper purpose or delay;

14 WHEREAS, the parties further agree that the granting of this request will not cause any  
15 prejudice to them because the Hearing on Plaintiff’s Motion for Attorney’s Fees and Costs is not  
16 scheduled to be heard until over three (3) months from today, on February 23, 2018, giving Plaintiff  
17 ample time to Reply to Defendant’s Opposition.

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NOW THEREFORE, the parties respectfully request that this Court issue an order granting Defendant an extension through December 22, 2017, to file its Opposition to Plaintiff's Motion for an Award of Attorneys' Fees and Costs, currently set for hearing on February, 23, 2018 at 9:00 a.m.

IT IS SO STIPULATED.

Respectfully submitted,

**Plaintiff:**

**Defendant:**

DATED this 21<sup>st</sup> day of November, 2017  
GESUND & PAILET, LLC

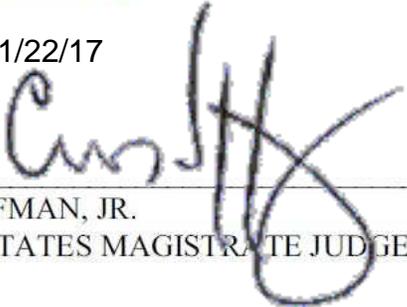
DATED this 21<sup>st</sup> day of November, 2017  
CARLSON & MESSER LLP

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Attorney for Defendant

IT IS SO ORDERED.

DATED: 11/22/17



C.W. HOFFMAN, JR.  
UNITED STATES MAGISTRATE JUDGE