

1 Paul S. Padda, Esq. (NV Bar #10417)
 Email: psp@paulpaddalaw.com
 2 PAUL PADDA LAW, PLLC
 4240 West Flamingo Road, Suite 220
 3 Las Vegas, Nevada 89103
 Tele: (702) 366-1888
 4 Fax: (702) 366-1940
 Web: paulpaddalaw.com

5 Attorney for the Plaintiffs

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 **SIMON SINGER, individually;**
 9 **RAO GARUDA, individually**
 10 **and as trustee of the GARUDA FAMILY**
ASSET PROTECTION TRUST,

11 **Plaintiffs,**

Case No. 2:16-cv-2526-KJD-GWF

12 **v.**

13 **BRANDON STUERKE (also known as**
 14 **“Leroy Brandon Stuerke”) an individual;**

15 **Defendant.**

16 **PLAINTIFFS’ UNOPPOSED MOTION FOR EXTENSION OF TIME**
 17 **TO COMPLY WITH THE COURT’S ORDER DIRECTING**
 18 **THE FILING OF A SECOND AMENDED PETITION**

(First Request)

19 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 6(b)(1)(A), Plaintiffs respectfully
 20 request a short extension of time, to and until July 7, 2017, to comply with the Court’s Order
 21 (ECF #29) directing Plaintiffs to file a Second Amended Petition. Currently, Plaintiffs’ amended
 22 petition is due on July 29, 2017. Undersigned counsel has communicated with Louis Bubala,
 23 Esq., counsel for Defendant, who has indicated that he does not oppose this request. This is
 24 Plaintiffs counsel’s first request for an extension of time for the purpose set forth herein.

25 . . .

26 . . .

1 In support of this motion, Plaintiffs rely upon the memorandum of points and authorities
2 below.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Under FRCP 6(b)(1)(A), a party may seek to extend a deadline prior to its expiration
5 upon a showing of “good cause.” The standard to be applied by a court under FRCP 6(b)(1) is a
6 liberal one in order to “effectuate the general purpose of seeing that cases are tried on the merits.”
7 Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010). Good cause and/or
8 excusable neglect “is a non-rigorous standard that has been construed broadly across procedural
9 and statutory contexts.” Id at 1259. In this case, good cause exists to extend Plaintiffs’ deadline
10 for filing an amended petition.

11 During this past week, undersigned counsel was required to travel to Orlando, Florida for
12 a deposition of an expert witness. Upon his return to the office from this cross-country trip,
13 undersigned counsel became ill and was required to take additional time off to recuperate.
14 Unfortunately, this absence from the office (including not having still fully recuperated) has
15 required undersigned counsel to seek to extend a few deadlines in pending cases, including this
16 one.

17 While Plaintiffs’ counsel has begun drafting an amended petition, additional time will be
18 needed to ensure its factual accuracy which will necessitate coordination with Plaintiffs. The
19 request for extension of time made herein should provide sufficient time for the accomplishment
20 of the foregoing. Defendant will experience no prejudice from this request and Defendant’s
21 counsel has communicated that he does not oppose this request. Additionally, counsel for the
22 parties, who have a good working relationship, are expected to engage in a discussion next week
23 with the goal of seeking potential resolution. The additional time requested herein will facilitate
24 that effort.

25 . . .

1 CONCLUSION

2 In light of the foregoing, Plaintiffs respectfully request that the Court provide them with
3 additional time, to and until July 7, 2017, to file an amended petition in compliance with the
4 Court's June 15, 2017 Order.

5 Respectfully submitted,

6 /s/ Paul S. Padda

7

Paul S. Padda, Esq.

8 Attorney for Plaintiffs

9 Dated: June 29, 2017

10 **IT IS SO ORDERED:**

11 **Plaintiffs' unopposed motion for extension of time, to**
12 **and until July 7, 2017, to file an amended petition (as**
13 **directed by the Court's June 15, 2017 Order) is hereby**
14 **granted.**

15 

16

UNITED STATES DISTRICT JUDGE

17 Dated: July 3, 2017

18 CERTIFICATE OF SERVICE

19 The undersigned hereby certifies that on June 29, 2017 a copy of the foregoing document
20 entitled "PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO COMPLY
21 WITH THE COURT'S ORDER DIRECTING THE FILING OF A SECOND AMENDED
22 PETITION" was served upon all parties and counsel of record in this matter via the Court's
23 electronic filing system ("CM/ECF").

24 *Paul S. Padda*

25

Paul S. Padda, Esq.