

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## BYRNA TECHNOLOGIES, INC.,

Case No.: 2:21-cv-01559-APG-DJA

**Plaintiff**

Order

V.

[ECF Nos. 58, 59, 60]

DUKE DEFENSE USA, INC., et al.,

## Defendants

8 Plaintiff Byrna Technologies, Inc. moves for an extension of time to respond to the  
9 motion to dismiss filed by defendants Duke Defense USA, Inc., Zyn Apparel, Reilly Schueler,  
10 Benjamin Flam, Jonathan Cobb Sanders, Randall Clifton, Deni Strahl, and April Woodward. *See*  
11 ECF Nos. 59, 60. After Byrna moved to extend time, it settled its dispute with all these  
12 defendants except Clifton. ECF Nos. 64, 65. That dismissal rendered moot defendant Zyn  
13 Apparel’s motion to supplement. ECF No. 58. But the motion to dismiss remains pending as to  
14 Clifton, so I grant Byrna’s motion to extend time to respond to this motion.

15 Magistrate Judge Albregts previously ordered Clifton to advise the court by November 5,  
16 2021 whether he intended to represent himself or retain counsel. ECF No. 39. Clifton did not  
17 respond to that order. I therefore direct him to respond to that order by December 3, 2021 or I  
18 will strike the motion to dismiss.

19 The remaining defendants are Clifton, Brad Thomas, BougieFit, LLC, and Tyler Akin.  
20 The motion for preliminary injunction (ECF No. 14) is still pending as to Thomas but he has  
21 never responded to it despite being given an extension of time to do so. ECF No. 22. Nor has  
22 Thomas filed an Answer or other response to the complaint. BougieFit, LLC and Tyler Akin  
23 have not appeared in this case. I direct Byrna to indicate whether it intends to pursue its claims

1 against these defendants. Additionally, if Clifton does not respond to my order and I strike the  
2 motion to dismiss, then Byrna must include Clifton in its response to this order.

3 I THEREFORE ORDER that plaintiff Byrna Technologies, Inc.'s motion to extend time  
4 (**ECF Nos. 59/60**) is GRANTED. Any response to the motion to dismiss is due by December  
5 13, 2021.

6 I FURTHER ORDER that defendant Zyn Apparel's motion to supplement (**ECF No. 58**)  
7 is DENIED as moot.

8 I FURTHER ORDER that defendant **Randall Clifton shall indicate by December 3,**  
9 **2021** whether he intends to represent himself in this matter or retain counsel. Failure to respond  
10 to this order will result in the motion to dismiss being stricken.

11 I FURTHER ORDER that by December 13, 2021, plaintiff Byrna Technologies, Inc.  
12 shall indicate whether it intends to pursue its claims against defendants Brad Thomas, BougieFit,  
13 LLC, Tyler Akin, and (if necessary) Randall Clifton.

14 DATED this 17th day of November, 2021.



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16 ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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