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**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

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

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

The remaining defendants are Clifton, Brad Thomas, BougieFit, LLC, and Tyler Akin. The motion for preliminary injunction (ECF No. 14) is still pending as to Thomas but he has never responded to it despite being given an extension of time to do so. ECF No. 22. Nor has Thomas filed an Answer or other response to the complaint. BougieFit, LLC and Tyler Akin 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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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE