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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SUSAN TIERNEY COCKBURN,

11 Plaintiff,

12 v.

13 SWS INDUSTRIES, INC., *et al.*,

14 Defendants.

Case No. C10-1566RSL

ORDER GRANTING MOTION FOR
LEAVE TO FILE DECLARATION

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16 This matter comes before the Court on a motion filed by defendant CreateForLess, LLC
17 for leave to file the declaration of its president Dennis DeYoung. As set forth in the motion,
18 CreateForLess did not file the declaration with its motion to dismiss, filed on January 31, 2011,
19 because DeYoung was unavailable on that day due to a family emergency. Motion at p. 2.

20 Plaintiff has not opposed the motion, which the Court construes, pursuant to Local Rule
21 7, as a concession that the motion has merit. Moreover, CreateForLess has shown good cause
22 for the belated filing due to a family emergency. Because the declaration was filed eleven days
23 before plaintiff's response to the motion to dismiss was due, she had ample time to respond to it.
24 Therefore, plaintiff was not prejudiced by the delayed filing.

25 Accordingly, the motion for leave to file the declaration (Dkt. #39) is GRANTED. The
26 Court will consider the DeYoung declaration when considering CreateForLess's motion to
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28 ORDER GRANTING MOTION FOR
LEAVE TO FILE DECLARATION - 1

1 dismiss.

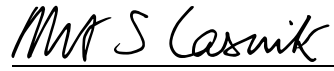
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3 DATED this 4th day of May, 2011.

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Robert S. Lasnik
United States District Judge

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