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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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8 INGE T. ANDERSON,

9 Plaintiff,

10 v.

11 SCOTT ALAN ANDERSON,

12 Defendant.

NO. C17-0891RSL

ORDER EXTENDING TIME IN  
WHICH TO FILE NOTICE OF  
APPEAL

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14 Judgment was entered in the above-captioned matter on January 14, 2020, with an amended  
15 judgment entered on January 17, 2020. Pursuant to Fed. R. App. P. 4(a)(1)(A), the parties had  
16 thirty days from entry of judgment to file a notice of appeal.<sup>1</sup> On February 5, 2020, with more than  
17 a week left in which to file a notice of appeal, defendant instead filed this motion for an extension  
18 of time, noting it on the Court's calendar for consideration on February 14, 2020. Dkt. # 202.


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20 Pursuant to Fed. R. App. P. 4(a)(5)(A), the district court may extend the time for filing an  
21 appeal if the moving party "shows excusable neglect or good cause." Having considered the factors  
22 set forth in *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 US. 380, 395 (1993),  
23 the Court finds that (1) there is no danger of prejudice to the non-moving party who has already  
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27 <sup>1</sup> Plaintiff filed her notice of appeal after the jury returned its verdict but before the Court ruled on the  
equitable claims. Dkt. # 174.

1 filed an appeal, (2) the “delay” in seeking the extension was virtually non-existent and the  
2 extension will likely have minimal effect on the appellate schedule, which was extended at  
3 plaintiff’s request, (3) the reason for the delay appears to have been attorney error in not realizing  
4 that there was still time in which to file the appeal, and (4) there is no indication that defendant has  
5 acted in bad faith. Although the third factor does not necessarily support an extension, the other  
6 three factors do, and the Court will exercise its discretion to grant the requested extension of  
7 time. *See Pincay v. Andrews*, 389 F.3d 853 (9th Cir. 2004).  
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10 Defendant’s motion is therefore GRANTED. Because plaintiff’s opening brief on appeal is  
11 due on March 4, 2020, defendant shall file his notice of cross-appeal no later than March 2, 2020.  
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14 Dated this 20th day of February, 2020.

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16 Robert S. Lasnik  
17 United States District Judge  
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