

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN YIN,

Defendant/Judgment Debtor,

and

T. ROWE PRICE,

Garnishee.

NO. 2:17-CV-01284-JLR

(17-mc-59-RSL)  
(16-cr-314-RAJ)

**United States' Motion for  
Extension of Time to File  
Reply Brief**

**Note on Motion Calendar:  
September 28, 2017**

Plaintiff United States of America moves to extend by three business days the deadline for its Reply Brief in support of its Motion for Continuing Garnishee Order [doc. no. 7]. Good cause supports the United States' requested extension, as follows:

1. On August 24, 2017, the Court renoted the United States' Motion for Continuing Garnishee Order to Friday, September 29, 2017.
2. Under Local Civil Rule 7(d)(3), Mr. Yin's Response Brief was therefore due Monday, September 25, 2017.

- 1 3. Mr. Yin's *pro se* Response reached the Clerk of Court on September  
2 27, 2017, as indicated by the Clerk's date stamp. Doc. no. 14.
- 3  
4 4. Counsel for the United States first received notice of Mr. Yin's  
5 Response during the afternoon of Thursday, September 28, 2017, via  
6 the Court's Electronic Case Filing system. Doc. no. 14.
- 7 5. In light of the late notice of Mr. Yin's Response, counsel for the  
8 United States requires more than one day to prepare and file a Reply  
9 Brief, which is currently due Friday, September 29, 2017 (the noting  
10 date). See Local Civil Rule 7(d)(3).
- 11  
12 6. Counsel for the United States spoke by telephone with counsel for  
13 Mr. Yin, Kirk Davis, on the afternoon of Thursday, September 28,  
14 2017, to request Mr. Davis's consent to an extension of the United  
15 States' Reply Brief deadline to Wednesday, October 4, 2017.
- 16  
17 7. Mr. Davis told counsel for the United States that he would no longer  
18 be representing Mr. Yin in this matter due to Mr. Yin's *pro se*  
19 Response Brief [doc. no. 14]. Accordingly, Mr. Davis said he could  
20 not consent on Mr. Yin's behalf.
- 21  
22 8. Counsel for the United States is unable to contact Mr. Yin in a timely  
23 fashion because Mr. Yin is incarcerated.
- 24  
25 9. A short extension of three business days, through and including  
26 Wednesday, October 4, 2017, is reasonable under the circumstances  
27 and provides counsel for the United States four business days to  
28



**CERTIFICATE OF SERVICE**

I hereby certify that I am a Paralegal Specialist in the office of the United States Attorney for the Western District of Washington, and am a person of such age and discretion as to be competent to serve papers.

I certify that on September 28, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the parties:

Kirk C. Davis      [kirk@kirkdavislaw.com](mailto:kirk@kirkdavislaw.com)

*Attorney of Record for Defendant/Judgment Debtor John Yin*

That on September 28, 2017, I caused copies of the foregoing “United States’ Response to Defendant/Judgment Debtor’s Request for Hearing and Exemption Claims” to be delivered to the Garnishee, T. Rowe Price, and to Defendant/Judgment Debtor John Yin, by placing an envelope containing said documents into the United States Mail, postage prepaid, by First Class Mail, addressed as follows:

T. Rowe Price  
Attn: Legal Department  
P.O. Box 17302  
Baltimore, MD 21297

Legal Mail – Open in Presence of the Inmate  
John Yin, Register No. 48095-086,  
FDC, SeaTac  
Federal Detention Center  
P.O. Box 13900, Seattle, WA 98198

1 DATED this 28th day of September 2017.

2 s/ Dawn H. Fernandez  
3 Dawn H. Fernandez, Paralegal  
4 United States Attorney's Office  
5 700 Stewart Street, Suite 5220  
6 Seattle, Washington 98101  
7 Telephone: (206) 553-4308  
8 Facsimile: (206) 553-4073  
9 E-mail: [dawn.fernandez@usdoj.gov](mailto:dawn.fernandez@usdoj.gov)  
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~~Proposed~~ Order Granting  
United States' Motion for  
Extension of Time to File  
Reply Brief

Plaintiff United States of America moved to extend by three business days the deadline for its Reply Brief in support of its Motion for Continuing Garnishee Order. For the reasons stated in the United States' Motion, the Court finds that good cause supports the requested extension.

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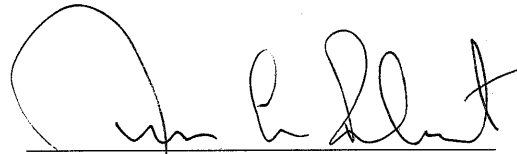
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1 Accordingly, the deadline for filing the United States' Reply Brief in  
2 support of its Motion for Continuing Garnishee Order is extended to and  
3 including, Wednesday, October 4, 2017.  
4

5 It is so ordered.

6 Dated: September <sup>29</sup>29, 2017

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8  
9   
10 Hon. James L. Robart  
United States District Court

11 Presented by:

12 s/ Kyle A. Forsyth  
13 Kyle A. Forsyth, WSBA #34609  
14 Assistant United States Attorney  
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