The Honorable Robert S. Lasnik 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT TACOMA 9 10 Case No. 2:18-cv-00536-RSL Northwest Administrators, Inc., 11 Plaintiff. STIPULATED MOTION FOR EXTENSION OF TIME FOR 12 DEFENDANT THE AMERICAN **BOTTLING COMPANY TO RESPOND** 13 The American Bottling Company, a Delaware TO PLAINTIFF'S COMPLAINT corporation, d/b/a Seven-Up Bottling Co. of 14 San Francisco, NOTE ON MOTION CALENDAR: 15 Defendant. MAY 4, 2018 16 17 Plaintiff Northwest Administrators, Inc. ("Plaintiff") and The American Bottling 18 Company ("ABC") through counsel and pursuant to Fed. R. Civ. P. 6(b), hereby moves for an 19 extension of time to respond to the Complaint filed by Plaintiff. In support of this Motion, 20 Defendant states as follows: 21 Plaintiff filed their original Complaint ("Complaint") on or about April 11, 2017, 22 in the United States District Court, Western District of Washington. On or about April 18, 2018, Defendant ABC was served with Plaintiff's 23 2. 24 Complaint. 25 Defendant's response to the Complaint is due May 9, 2018. 3. 26 Defendant requires a brief extension of time, up to and including May 24, 2018, 4. OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. STIPULATED MOTION FOR EXTENSION

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to fully investigate and respond to the allegations in Plaintiff's Complaint.

- 5. This Motion is being made in good faith and for no improper purpose. Further, the requested enlargement of time will not prejudice any of the parties or unduly delay the proceedings.
- 6. Undersigned counsel has conferred with Plaintiff's counsel regarding this requested extension and he has stipulated on behalf of his client to an extension through May 24, 2018.

## MEMORANDUM OF LAW

Pursuant to Federal Rules of Civil Procedure, 6(b)(1)(A), "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend that time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires...." The reason for the motion, as stated above, sets forth good cause for the enlargement of time requested, and is being made before the originally prescribed period expires.

Therefore ABC respectfully suggests that good cause has been shown for an enlargement of time – through May 24, 2018 – to respond to Plaintiff's Complaint. As Plaintiff's counsel does not oppose the requested enlargement, there will be no undue delay or prejudice suffered by granting the relief requested herein.

WHEREFORE, Defendant respectfully requests that the Court grant this Motion and extend the deadline to file a response to Plaintiff's complaint until May 24, 2018.

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Dated: May 4, 2018. 1 2 OGLETREE, DEAKINS, NASH, SMOAK & REID, MCCARTHY, BALLEW & LEAHY, LLP STEWART, P.C. 3 By:/s/Russell S. Buhite By:/s/ Russell J. Reid Russell S. Buhite, WSBA #41257 Russell J. Reid, WSBA #2560 Russell.buhite@ogletree.com 100 West Harrison Street 5 800 5<sup>th</sup> Avenue, Suite 4100 North Tower, Ste. 300 6 Seattle, WA 98104 Seattle, WA 98119 T: 206-285-0464 T: 206-693-7057 7 F: 206-693-7058 F: 206-285-8925 Attorneys for Defendant The American Bottling Attorneys for Plaintiff Northwest 8 Administrators, Inc. Company 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

STIPULATED MOTION FOR EXTENSION OF TIME - 3 (No. 2:18-ev-00536-RSL)

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 800 Fifth Avenue, Suite 4100 | Seattle, WA 98104 Phone: 206-693-7057 | Fax: 206-693-7058

## **ORDER**

**IN CONFORMITY** with the foregoing Stipulation, the deadline for Defendant's Answer to Plaintiff's Complaint is extended to May 24, 2018.

DATED this 1 day of \_\_\_\_\_\_, 2018

HONORABLE ROBERT S. LANSNIK UNITED STATES DISTRICT JUDGE