



Ulery v. Deniro Marketing, LLC

2022 | Cited 0 times | E.D. California | September 12, 2022

- 1 - Joint Motion for Extension of Time

2:22-cv-01134-JAM-AC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

Marc J. Randazza, SBN 269535 RANDAZZA LEGAL GROUP, PLLC 2764 Lake Sahara Drive Suite 109 Las Vegas, NV 89117 Telephone: (702) 420-2001 Email: ecf@randazza.com Lawrence G. Walters, pro hac vice forthcoming WALTERS LAW GROUP 195 W Pine Avenue Longwood, FL 32750 Telephone: (407) 975-9150 Email: larry@firstamendment.com Attorneys for Defendant, Deniro Marketing, LLC

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

DAVID ULERY, individually and on behalf of all others similarly situated,

Plaintiff, v. DENIRO MARKETING, LLC,

Defendant.

Case No. 2:22-cv-01134-JAM-AC

AMENDED JOINT STIPULATED

MOTION FOR EXTENSION OF TIME

Plaintiff David Ulery and Defendant Deniro Marketing, LLC (“Deniro”) (collectively, the “Parties”) hereby stipulate under LR 133, subject to the Court’s approval, to extend Deniro’s time to respond to Ulery’s Complaint and to extend the Parties’ deadline to confer under Fed. R. Civ. P. 26(f) and file a joint status report by 60 days. In support, the Parties state as follows:

On June 29, 2022, Ulery filed his Complaint. (Doc. No. 1)

- 2 - Joint Motion for Extension of Time



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On June 30, 2022, the Court entered an Order Requiring Service of Process and Joint Status Report, requiring the Parties to confer under Fed. R. Civ. P. 26(f) and file a joint status report no later than 60 days following service. (ECF No. 3)

On August 15, 2022, Deniro signed a waiver of service of summons, agreeing to respond to the Complaint no later than 60 days after July 15, 2022. (ECF No. 4-1) The current deadline to respond to the Complaint is thus September 13, 2022.

The Parties have been in productive settlement talks, however, there are complex issues to work out including identities of additional parties and comparative liability. All of this would normally be worked out through expensive and time-consuming discovery and motion practice. However, since the parties are currently collaborating, all parties are being spared that expense and use of resources. Additionally, the Court is being spared the necessity of involvement at all at this point.

Fed. R. Civ. P. 1 provides that all of the Rules “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” All parties believe that the requested relief will assist in a more just, speedy, and inexpensive resolution of the case.

The Parties thus jointly move for an extension of 60 days to respond to the Complaint, making Deniro’s response due no later than November 14, 2022. Because there would be little point to conferring and filing a joint status report until after a response to the Complaint is filed, the Parties also request that the time to confer under Fed. R. Civ. P. 26(f) and file a joint status report be extended by 60 days as well.

- 3 - Joint Motion for Extension of Time

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Dated: September 9, 2022. /s/ Marc J. Randazza Marc J. Randazza, SBN 269535 RANDAZZA LEGAL GROUP, PLLC 2764 Lake Sahara Drive Suite 109 Las Vegas, NV 89117 Telephone: (702) 420-2001 Email: ecf@randazza.com Lawrence G. Walters, pro hac vice forthcoming WALTERS LAW GROUP 195 W Pine Avenue Longwood, FL 32750 Telephone: (407) 975-9150 Email: larry@firstamendment.com Attorneys for Defendant, Deniro Marketing, LLC

/s/ Seth M. Lehrman (as authorized on 9/9/2022) Seth M. Lehrman, SBN 178303 EDWARDS POTTINGER LLC 435 North Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301 Telephone: (954) 524-2820 Email: seth@epllc.com Attorneys for Plaintiff, David Ulery



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IT IS SO ORDERED.

Dated: September 9, 2022 /s/ John A. Mendez THE HONORABLE JOHN A. MENDEZ

SENIOR UNITED STATES DISTRICT JUDGE

