

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

MALIBU MEDIA, LLC Plaintiff, v. KELLEY TASHIRO and N. CHARLES TASHIRO Defendants	Case No. 1:13-cv-00205-WTL-MJD Hon. Mark J. Dinsmore
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**DEFENDANTS' FIRST EMERGENCY & UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO:
PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE DEFENSES (ECF DOC. 132)**

NOW COME, the Defendants, KELLEY TASHIRO and N. CHARLES TASHIRO, by and through counsel, who moves this Court for an extension of time to Respond to Plaintiff's Motion To Strike Defendant's Affirmative Defenses, stating as follows:

1. Due to personnel changes at Defendants' counsel's firm, family health issues, and other items outside the control of Defendants' counsel, the response due date for the Motion to Strike (ECF Doc. 132) went uncalendared.
2. Due to this clerical error, the date for responding, pursuant to local rule 7-1(c)(2)(A) has elapsed. Accordingly, this Motion is being brought as an emergency Motion, and counsel for Defendants has had limited opportunity to contact opposing counsel considering this Motion. Attempts to reach opposing counsel by email and telephone have been made, and opposing counsel has agreed to a 14-day extension.
3. The Defendants seeking a fourteen-day extension of time, to July 29, 2014, which is half of the 28 days thought to be automatic pursuant to Local Rule 6-1.

4. It would be just and appropriate to extend the time for Responding to the Motion to Strike to July 29, 2014. It certainly would not prejudice any party to the proceedings considering the fact that N. CHARLES TASHIRO's Answer has yet to even be filed.
5. This is the first extension sought regarding this Motion. No case management deadlines will be interfered with, the deadline has not been previously extended, and the extension sought is for less than 28 days. Per the local rules, this extension can be treated as automatic. L.R. 6-1.
6. A proposed order is attached.

WHEREFORE, the Defendants, KELLEY TASHIRO and N. CHARLES TASHIRO respectfully request that this Honorable Court provide them until July 29, 2014 to file their Response to Plaintiff's Motion to Strike.

Respectfully submitted,

/s/ Jonathan LA Phillips
One of their attorneys
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CERTIFICATE OF SERVICE

I certify that on July 15, 2014, a copy of the foregoing has been filed with the Clerk of the Court via the Court's ECF filing system, thereby serving it upon all counsel of record.

/s/ Jonathan LA Phillips