

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:13-CV-360-RJJ
)	
v.)	
)	
JESSE RALEIGH,)	
)	
Defendant.)	
)	

**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANT’S MOTION FOR ATTORNEYS’ FEES [CM/ECF 161]**

Plaintiff, Malibu Media, LLC, hereby moves for entry of an Order extending the time for Plaintiff to respond to Defendant’s Motion for Attorneys’ Fees and states:

1. On June 7, 2016, Defendant filed a Motion for Attorneys’ Fees (“Defendant’s Motion”). Accordingly, Plaintiff’s Response is due Friday, June 24, 2016.¹
2. Undersigned recently made an appearance in this case and is in the process of reviewing the case file, evidence, and docket. Unfortunately, undersigned was not present in this case during the course of litigation and is therefore not familiar with the Parties’ filings.
3. Responding to Defendant’s Motion will require undersigned’s complete review of the facts along with defense counsel’s billing statements. And, Defendant’s attorney, Mr. Wilczynski, just filed his billing statement only six days ago. *See* CM/ECF 162.

¹ The Western District of Michigan Local Rules provide for an additional three days to respond when service of a document is made electronically. *See* W. Mich. L. R. 5.7(i)(v). “The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of Fed. R. Civ. P. 6(d).” *See also Love v. Comm’r of Soc. Sec.*, 605 F. Supp. 2d 893, 896 (W.D. Mich. 2009) (“The additional three days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of FED. R. CIV. P. 6(d).”)

4. Additional time is needed for undersigned to familiarize himself with the facts and history of this case and to review Defendant's Motion and exhibits thereto.

5. Moreover, per the Court's Order, [CM/ECF 157], Plaintiff is in the process of retaining counsel located in the Western District of Michigan in the event the Court orders appearances or an evidentiary hearing. Plaintiff expects its counsel to enter an appearance in the next day or two.

6. "The Court may, for good cause, extend the time to act if a request is made before the original time expires." *Odom v. Hines*, No. 2:12-CV-374, 2013 U.S. Dist. LEXIS 89571, at *1 (W.D. Mich. June 26, 2013) citing Fed. R. Civ. P. 6(b).

7. Accordingly, Plaintiff respectfully requests this Court grant the instant Motion and allow Plaintiff an additional two weeks to respond to Defendant's Motion. Plaintiff has good cause to extend the deadline. Indeed, allowing Plaintiff an extension will enable its attorneys to fully review the case file and address the merits of Defendant's motion. Because the Court has dismissed the case, Defendant will not be prejudiced by the delay.

8. This request is made in good faith and not made for the purpose of undue delay.

9. This extension will not prejudice any party.

WHEREFORE, Plaintiff respectfully requests entry of an Order extending the time for Plaintiff to respond to Defendant's Motion for Attorneys' Fees to July 8, 2016. A proposed order is attached for the Court's convenience.

Dated: June 21, 2016

Respectfully submitted,

By: /s/ Brian M. Heit

Brian M. Heit

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GOOD FAITH CERTIFICATION

Undersigned counsel hereby certifies that on June 21, 2016, undersigned conferred with defense counsel through e-mail. Defense counsel stated he would not consent to the relief sought.

By: /s/ Brian M. Heit

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Brian M. Heit