

No. 09-17380

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CLRB HANSON INDUSTRIES, LLC,
DBA Industrial Printing; HOWARD STERN,
on behalf of themselves and all others similarly
situated,

Plaintiffs - Appellees,

V.

WEISS & ASSOCIATES, PC,

Appellant,

V.

GOOGLE INC.,

Defendant - Appellee.

No. 09-17380

D.C. No. 5:05-cv-03649-JW

Northern District of
California, San Jose

**APPELLANT WEISS & ASSOCIATES, P.C.'S OUT OF TIME
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

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Appellant, WEISS & ASSOCIATES, P.C., by counsel, moves this Court for an Order granting it an extension of time up to and including April 27, 2010 to serve its Reply Brief, and says:

1. Appellant WEISS & ASSOCIATES, P.C.'s opening brief was deemed filed by the Clerk on February 23, 2010.
2. Appellee's Answer Briefs were due on March 25, 2010.
3. Pursuant to Federal Rule of Appellate Procedure 31(a)(1), Appellant WEISS & ASSOCIATES, P.C.'s Reply Brief was calendared to be filed on Thursday, April 8, 2010.
4. However, because the last Answer Brief was filed on Tuesday, March 16, 2010, Appellant's Reply Brief should have been filed and served on Tuesday, March 30, 2010.
5. Undersigned Counsel discovered the calendaring error while attempting to get a telephone extension from the Clerk on April 7, 2010.
6. Undersigned counsel requests this Court allow him to serve the Reply Brief out of time on or before April 27, 2010.
7. Undersigned counsel has contacted Class Counsel and their office objects to the relief requested.

WHEREFORE, Appellant/Plaintiff, WEISS & ASSOCIATES, PC, by counsel, moves this Court for permission to serve Appellant's Reply Brief out of time, on or before Tuesday, April 27, 2010.

Respectfully submitted,

/s/ N. Albert Bacharach, Jr.

N. Albert Bacharach, Jr.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 8th day of April, 2010, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF program.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First Class Mail, postage prepaid, to the following non-CM/ECF participants:

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By: /s/ N. Albert Bacharach, Jr.

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Jami L. Grounds

From: ca9_ecfnoticing@ca9.uscourts.gov
Sent: Thursday, April 08, 2010 1:56 PM
To: Jami L. Grounds
Subject: 09-17380 CLRB Hanson Industries, LLC, et al v. Weiss & Associates, PC "File a Motion"

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United States Court of Appeals for the Ninth Circuit**Notice of Docket Activity**

The following transaction was entered on 04/08/2010 at 1:56:19 PM PDT and filed on 04/08/2010

Case Name: CLRB Hanson Industries, LLC, et al v. Weiss & Associates, PC

Case Number: [09-17380](#)

Document(s): [Document\(s\)](#)

Docket Text:

Filed (ECF) Appellant Weiss & Associates, PC Motion to extend time to file Reply brief until 04/27/2010 at 05:00 pm, Motion to file a late brief. Date of service: 04/08/2010. [7294615] (NB)

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: motion to serve Reply Brief out of time_mtd.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/08/2010] [FileNumber=7294615-0]

[52ce4da8dfb989f7f2ff4b2061b79024a1fab44c91aa71240f276a23220349f6b4aa36a5ef8cab65d75916a72cb4bd325]

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The following information is for the use of court personnel:

DOCKET ENTRY ID: 7294615

RELIEF(S) DOCKETED:

 motion to extend time to file brief

 motion to file a late brief

DOCKET PART(S) ADDED: 6918324, 6918325, 6918326, 6918327