

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Felipe Pantone v. 100% Speedlab, LLC; Saule, LLC; and Does 1-10

Pantone · No. 25-cv-1490-BAS-SBC · Decided July 11, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted an unopposed motion to extend the defendants’ deadline to respond to the complaint. Applying the excusable-neglect standard under Federal Rule of Civil Procedure 6(b)(1)(B), the court ordered defendants to respond by July 21, 2025, while warning that future extension requests must satisfy the applicable standards.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 11, 2025
DOCKET	25-cv-1490-BAS-SBC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved, on behalf of Defendants, for an extension of Defendants' deadline to respond to the complaint after that deadline had expired.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 6(b)(1)(B), an extension requested after a deadline has expired requires a showing of excusable neglect, evaluated under the four Pioneer factors.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether Defendants established excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B) to obtain an extension after the response deadline had expired.
2. Whether the interests of justice warranted granting some extension despite Defendants' inadequate showing concerning the reason for their delay.

HOLDINGS

1. When a party moves for an extension after a deadline has passed, the applicable standard is excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B), not good cause.
2. Defendants did not make an adequate showing of excusable neglect because the asserted vacation of one principal did not explain why Defendants could not obtain counsel, respond timely, or request an extension before the deadline.

KEY QUOTATIONS

“Court deadlines are serious affairs.” (at 2)

FACTUAL BACKGROUND

Defendants were served with the complaint on June 12, 2025, but did not respond by the July 3, 2025 deadline. Plaintiff attributed the delay to Defendants' principal having recently returned from vacation in Hawaii and having only recently been able to seek legal counsel. Plaintiff represented that the extension would cause no prejudice, and the court found the resulting delay would be no more than eighteen days.

PROCEDURAL HISTORY

Plaintiff served Defendants on June 12, 2025, making their response due July 3, 2025. Seven days after the deadline passed, Plaintiff filed an unopposed motion seeking an extension based on the principal of the defendant companies having recently returned from vacation and then seeking counsel. The court granted the motion in part and ordered Defendants to respond by July 21, 2025.

DISPOSITION

other

CASES CITED

- Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1261 (9th Cir. 2010)
- Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership, 507 U.S. 380, 395 (1993)

OPINION

Pantone v. 100 Speedlab, LLC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 FELIPE PANTONE, Case No. 25-cv-1490-BAS-SBC 12 Plaintiff,

ORDER GRANTING IN PART

13 v. MOTION FOR EXTENSION OF

TIME (ECF No. 5)

14 100% SPEEDLAB, LLC; SAULE, LLC; and DOES 1-10,

15 Defendants. 16

17 18 Plaintiff files an Unopposed Motion to Extend Time for Defendants to Respond to 19
Complaint on Defendants' behalf. (ECF No. 5.) Defendants have not yet responded to 20
Plaintiff's Complaint in this case although Plaintiff served Defendants on June 12, 2025. 21 (ECF
Nos. 3, 4.) Accordingly, Defendants' deadline to respond to the Complaint passed 22 on July 3,
2025. See Fed. R. Civ. P. 12(a) (requiring a response to a complaint be served 23 within twenty-
one (21) days of service of the summons and complaint). 24 Plaintiff files the instant motion,
arguing good cause exists for extending 25 Defendants' deadline to respond on the grounds that
"Defendants' principal only recently 26 returned from vacation in Hawaii and thus has only
recently been able to seek legal counsel 27 regarding the Complaint." (ECF No. 5 at 2.) First—
good cause is not the standard here. 28 The standard is excusable neglect. Fed. R. Civ. P. 6(b)(1)
(B). When a party moves for an 1 extension once a deadline has passed, that party must show they
"failed to act because of 2 excusable neglect." *Id.*; see also *Ahanchian v. Xenon Pictures, Inc.*, 624
F.3d 1253, 1261 3 (9th Cir. 2010) (laying out the four factors for determining excusable neglect as
"(1) the 4 danger of prejudice to the opposing party; (2) the length of the delay and its potential
impact 5 on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in
good 6 faith" (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 7
(1993)). Second, Defendants make no such showing here. Instead, they request Plaintiff 8 make
the motion on their behalf seven days after the deadline to respond has already 9 passed, citing a
vacation as the cause of their tardiness. (ECF No. 5 at 2.) 10 Court deadlines are serious affairs.
The Court finds it difficult to understand how 11 one person of two companies being on vacation
precluded Defendants from obtaining 12 counsel and responding to the lawsuit in a timely fashion,
or at least requesting an extension 13 before the deadline to respond passed. Defendants make no
showing to meet the standard 14 for excusable neglect—they do not, for example, state that their
principal is the only 15 employee of either or both of Defendants; that there was no way for the
principal to get in 16 contact with anyone while the principal was on vacation; or that the
principal, as the only 17 employee of either LLC, only learned about the lawsuit upon returning
from the vacation 18 three days ago. 19 Although the third Pioneer factor, the reason for the delay,
weighs heavily against 20 granting an extension, at least two other Pioneer factors counsel
granting the request. 21 Plaintiff's counsel represents Plaintiff will suffer no prejudice by the grant
of an extension 22 (ECF No. 5 at 2), and the length of the delay will ultimately be no more than
eighteen days. 23 Further, if the Court refused the extension, it would prevent Defendants from

defending 24 themselves in this action. Because the interest of justice weighs heavily in favor of granting 25 some sort of extension, the Court GRANTS IN PART Plaintiff's Motion to extend 26 Defendants' deadline to respond. Defendants are ORDERED to respond to Plaintiff's 27 Complaint no later than July 21, 2025. 28 1 DEFENDANTS ARE WARNED that any future requests to extend deadlines must 2 ||meet the required standards to make a showing to have any future extension granted. 3 IT IS SO ORDERED. 4 5 || DATED: July 11, 2025 yatta Bahar 6 Hon. Cynthia Bashant, Chief Judge 4 United States District Court 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 □□□