

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.

OPINION

Pantone v. 100 Speedlab, LLC

PER CURIAM.

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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 □□□