

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

**Sweeney v. Carringer**

Sweeney · No. 25-cv-03148-JST · Decided August 11, 2025

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OPINION

Sweeney v. Carringer

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 JOHN DONNELLY SWEENEY, et al., Case No. 25-cv-03148-JST 8 Plaintiffs,

ORDER DENYING MOTION FOR

9 v. RECONSIDERATION; GRANTING IN

PART AND DENYING IN PART

10 CHRISTINE CARRINGER, et al., MOTION FOR ENLARGEMENT OF

TIME

Defendants. 11 Re: ECF Nos. 157, 158 12 13 Now before the Court are Plaintiffs’ motion for reconsideration, ECF No. 157, and motion 14 for enlargement of briefing deadlines, ECF No. 158. The Court will deny the motion for 15 reconsideration and grant in part and deny in part the motion for enlargement of deadlines. 16 The Court construes Plaintiffs’ motion for reconsideration, ECF No. 157, as a motion for 17 leave to file a motion for reconsideration pursuant to Civ. L.R. 7-9. Under that rule, “motions for 18 leave to file a motion for reconsideration may be filed if a party can demonstrate: (1) that there is a 19 material difference of fact or law between the time of the motion for leave and the time of an entry 20 of an interlocutory order; (2) that new material facts emerged or a change of law occurred after the 21 entry of the order; or (3) a manifest failure by the Court to consider material facts or dispositive 22 legal arguments which were presented before the interlocutory order was entered.” *Ennix v. 23 Stanten*, No. C 07-02486 WHA, 2007 WL 2688483, at \*1 (N.D. Cal. Sept. 10, 2007). The 24 primary ground of Plaintiffs’ motion is that the Court erred by setting aside Defendants’ defaults 25 because the Court could not take that action in the absence of a motion. 26 Plaintiffs misunderstand the law. A clerk’s entry of default may be set aside for “good 27 cause.” Fed. R. Civ. P. 55(c). “[A] district court’s discretion is ‘especially broad when, as in this 1 United States, 211 F.3d 499, 504 (9th Cir. 2000) (quoting *O’Connor v. State of Nev.*, 27 F.3d 357, 2 364 (9th Cir. 1994). “Where good cause exists, a district court has the authority to set aside an 3 entry of default sua sponte.” *Safeco Ins. Co. of Am. v. Pederson*, No. 1:24-CV-01299-CDB, 2025 4 WL 711185, at

\*1 (E.D. Cal. Mar. 5, 2025). Here, the Court found good cause in its order setting 5 aside the defaults. No motion was required to be filed. Accordingly, Plaintiffs’ motion for 6 reconsideration is denied. Plaintiffs’ request for certification for immediate appeal under 28 7 U.S.C. § 1292(b), ECF No. 157 at 9, is also denied.<sup>1</sup> 8 Plaintiffs’ motion for an enlargement of time, ECF No. 158, appears to be directed at the 9 following motions: Defendant Thomas Ferrara’s motion to dismiss Plaintiffs’ first amended 10 complaint, ECF No. 136; the order to show cause why this action should not be dismissed for lack 11 of jurisdiction, ECF No. 141; federal defendants’ motion to transfer or dismiss, ECF No. 143; 12 Defendants Bryant Cannon, Matthew Bullock, Eileen White, Xavier Fernandez, Adrienne Klein, 13 and Larry Goldzband’s motion to dismiss, ECF No. 152; Defendant San Francisco Estuary 14 Institute’s motion to dismiss, ECF No. 118; and Defendant Christine Carringer’s motion to 15 dismiss, ECF No. 121.<sup>2</sup> Plaintiffs seek an extension to August 24, 2025 to respond to each of 16 these orders or motions. ECF No. 158 at 4. 17 With respect to Plaintiffs’ response to the order to show cause why the action should not 18 be dismissed for lack of jurisdiction, Plaintiffs’ motion is denied as moot, because Plaintiffs have 19 already filed their response, ECF No. 172. With respect to each of the other foregoing motions, 20 Plaintiffs’ motion to enlarge time is granted. Responses to each of the motions is due August 25, 21 2025.<sup>3</sup> Reply briefs with regard to the motions are due September 8, 2025. The Court will not 22 grant further extensions to Plaintiffs with regard to these matters. 23 IT IS SO ORDERED. 24 Dated: August 11, 2025 25 1 In the motion, Plaintiff Sweeney states that he is unable to attend the hearing scheduled for 26 October 16, 2025. ECF No. 157 at 5. If Plaintiff Sweeney is unable to appear on that date he may move for a continuance after meeting and conferring with defendants. 27 2 Plaintiffs also refer to a “Siegel response” and an “AG response to default,” ECF No. 158 at 4,

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JON S. TIGAR

2 United States District Judge 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26  
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