

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 17-8937-DMG (FFMx)**Date **May 24, 2019**Title ***Crytek GMBH v. Cloud Imperium Games Corp., et al.***Page **1 of 2**Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE****KANE TIEN**

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS—ORDER RE PLAINTIFF’S *EX PARTE* APPLICATION
[60]**

At 4:17 p.m. on Friday, May 24, 2019, Plaintiff Crytek GmbH filed an *Ex Parte* Application for an extension of time to respond to the pending Motion for Bond filed by Defendants Cloud Imperium Games Corporation and Roberts Space Industries Corporation. [Doc. # 60 (“Application”).] The Application comes one court day before Plaintiff’s existing May 28, 2019 opposition deadline expires, and on the eve of the Memorial Day holiday weekend. Plaintiff maintains that it “understood . . . that Defendants would agree” to extend the opposition deadline and hearing date for the Motion. Application at 4. But they failed to actually execute any such stipulation. According to Plaintiffs, when Defendants “indicated that they would not so stipulate” on May 23, 2019, Plaintiff decided *ex parte* action was appropriate, but waited another 24 hours to pursue such action. *See id.* In waiting to confirm Defendants’ intent as to its requested extension of time, Plaintiff also ignored and acted in contravention of the Court’s Initial Standing Order. [Doc. # 14 (“Standing Order”) at 11; *see also* Judge Gee’s Procedures and Schedules at ¶ 7, United States District Court, Central District of California website (“Counsel should avoid submitting requests for continuance or extension of time less than five (5) court days prior to the expiration of the scheduled date”).]

Upon learning of Plaintiff’s intent to file the Application, Defendant’s counsel contacted chambers and inquired as to whether it needed to oppose the Application over the holiday weekend, under the Court’s 24-hour response rule. *Id.* at 10. To resolve in a sensible fashion what does not appear to be an emergency situation (other than one of the parties’ own making), the Court rules as follows.

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For now, the hearing on Defendants' Motion shall go forward as scheduled at 9:30 a.m. on June 28, 2019. Plaintiff's deadline to oppose Defendants' Motion is continued to June 7, 2019. Defendants' deadline to file a reply is continued to June 14, 2019. Defendants shall file their opposition to Plaintiff's Application, if any, no later than May 28, 2019 by close of business. If the Court grants Plaintiff's Application, it will announce an amended briefing and hearing schedule. If it denies the Application, the dates identified herein shall be the final briefing and hearing schedule for Defendants' Motion.

Further violations of the Court's rules and orders shall result in the imposition of monetary sanctions.

IT IS SO ORDERED.