

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT INDIANA

MALIBU MEDIA, LLC,

Plaintiff,

v.

KELLEY TASHIRO,
N. CHARLES TASHIRO

Defendants.

Civil Case No. 1:13-cv-00205-WTL-MJD



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

**PLAINTIFF'S MOTION FOR AN ENLARGEMENT OF TIME TO OBJECT TO THE
COURT'S REPORT AND RECOMMENDATION ON PLAINTIFF'S MOTION FOR
ENTITLEMENT TO FEES AND SANCTIONS [CM/ECF 211]**

Contrary to the representation in Plaintiff's motion, the deadline for Plaintiff to file any objection to the Magistrate Judge's order at Dkt. 228 is actually **May 4, 2015**. Fed. R. Civ. P. 72(b) (objections due within 14 days after service of the recommended disposition); Fed. R. Civ. P. 6(d) & 5(b)(2)(E) (adding three days to the period when service is electronic); Fed. R. Civ. P. 6(a)(1)(C) allowing until the next business day if the last day is a Saturday, Sunday or legal holiday). In light of the correct calculation, the Court does not find good cause to support the requested enlargement. Accordingly, Plaintiff's motion for an enlargement is **DENIED**.
Dated: April 29, 2015

U.S.C. § 636.

2. Undersigned instructed an associate attorney to investigate whether there were grounds to file an objection. The associate informed undersigned that he believes there are sufficient grounds, and the associate prepared a draft objection, which was delivered to undersigned today.

3. Undersigned is preparing for a full-day evidentiary hearing in this case scheduled for this Thursday, and cannot fulfil undersigned's ethical obligations to review and analyze the facts and law associated with the objection prior to the time it is due. Until undersigned does this

work, undersigned is not even sure that an objection will be filed, but wishes to preserve Plaintiff's ability to do so.

5. Plaintiff has been diligent in trying to meet the deadline, but due to the large amount of work associated with the evidentiary hearing scheduled for this Thursday, Plaintiff will be unable to meet the deadline.

6. A brief one week enlargement of time is justified. Neither Defendants nor their counsel will suffer any legal prejudice by the entry of an order granting this motion.

8. This motion is not being interposed for purposes of delay, but rather so that substantive justice can be done. Indeed, an objection is necessary to preserve several important rights.

9. Plaintiff's counsel has conferred with Defendants' counsel, who opposes the requested relief.

Respectfully submitted,

By: /s/ M. Keith Lipscomb
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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ M. Keith Lipscomb