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8 Attorneys for Plaintiffs

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 ELSINORE CHRISTIAN CENTER, A)
13 CALIFORNIA NON-PROFIT)
CORPORATION, and GARY)
14 HOLMES,)

15 Plaintiffs,)

16 v.)

17)
18 CITY OF LAKE ELSINORE, A)
19 MUNICIPAL CORPORATION OF THE)
STATE OF CALIFORNIA, LAKE)
20 ELSINORE REDEVELOPMENT)
AGENCY, A MUNICIPAL)
21 CORPORATION OF THE STATE OF)
CALIFORNIA, ROBERT A.)
22 SCHIFFNER, PAMELA BRINLEY,)
DANIEL METZE, GENIE KELLY,)
23 KEVIN PAPE, and DOES 1-10)
inclusive,)

24)
25 Defendants.)
26

CASE NO. CV 01-4842 SVW (RCX)

NOTICE OF MOTION AND
MOTION FOR ENLARGEMENT OF
TIME TO RESPOND TO FURTHER
ORDER RE: DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT DATED JUNE 23,
2003; DECLARATION OF ROBERT
TYLER; [PROPOSED] ORDER

Hearing Date: N/A
Time: N/A
Courtroom: 6

Judge Stephen V. Wilson

27 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:
28

1 PLEASE TAKE NOTICE that Plaintiffs, by and through counsel, hereby move
2 this Court for an enlargement of time to respond to Judge Stephen Wilson's FURTHER
3 ORDER RE: DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DATED
4 JUNE 23, 2003 pursuant to FRCP Rule 6(d). No oral argument is requested. This
5 Motion is based upon this Notice, Motion and Declaration of Robert Tyler.

6 This Motion is made following the telephonic conference of counsel pursuant to
7 Local Rule 7-3 which took place on July 7, 2003 between attorneys Jules S. Zeman
8 (representing Defendants) and Robert H. Tyler (representing Plaintiffs).

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10 Respectfully submitted,
11 ALLIANCE DEFENSE FUND

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13 Dated: _____

14 By: _____
15 Robert H. Tyler
16 Attorneys for Plaintiffs

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MOTION FOR ENLARGEMENT

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_____ Federal Rule of Civil Procedure Rule 6(b) states, “[w]hen by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order”

For good cause as set forth in the Declaration of Robert Tyler attached hereto, Plaintiffs respectfully request that this Court enlarge the time for Plaintiff to respond to FURTHER ORDER RE: DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT DATED JUNE 23, 2003. In that Order, the Court ordered each party to submit a brief in response to the Tentative Order no later than July 11, 2003. Further, reply briefs were ordered to be filed no later than July 25, 2003.

Plaintiffs respectfully request that the time for filing the initial brief be enlarged to and including August 1, 2003. Further, Plaintiffs request that the time for filing the reply brief be enlarged to and including August 15, 2003.

Respectfully Submitted,
ALLIANCE DEFENSE FUND

Dated: _____

By: _____
Robert H. Tyler
Attorneys for Plaintiffs

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DECLARATION OF ROBERT TYLER
IN SUPPORT OF PLAINTIFFS' MOTION FOR
ENLARGEMENT

I, Robert Tyler, declare as follows:

1. I am an attorney at law, duly licensed to practice by the State of California. At all times relevant hereto, I have represented the interests of the Plaintiffs in this action. If called upon to testify, I could and would competently testify to the facts stated herein.

2. On June 23, 2003, Judge Wilson issued a Tentative Ruling on Defendant's Motion for Summary Judgment and ordered both parties to file briefs in response to the Tentative Ruling. This order was issued concurrently with his Order on the cross Motions for Partial Summary Judgment. The parties have been ordered to submit a brief in response to the Tentative Order no later than July 11, 2003. Further, reply briefs were ordered to be filed no later than July 25, 2003.

3. For the following reasons, Plaintiffs respectfully request that the time for filing the initial brief be enlarged to and including August 1, 2003. Further, Plaintiffs request that the time for filing the reply brief be enlarged to and including August 15, 2003.

4. The Becket Fund for Religious Liberty of Washington D.C. will be joining me as co-counsel in representation of Plaintiffs. Engagement letters are presently being prepared for execution by the clients, and The Becket Fund will submit any necessary applications to the Court in order to appear on behalf of Plaintiffs. The Becket Fund attorneys are new to this case, and will need additional time to become properly acquainted with the facts and issues therein, including issues relevant to the filing currently due on July 11, 2003. For example, and among other things, Becket Fund attorneys will need to review all the evidence collected through discovery to date in order to assess whether or not an affidavit under Rule 56(f) should be included as part of the response to the Court's proposed order.

5. In addition, due to a clerical error by the filing clerk and without my knowledge, I was removed as attorney of record following the filing of a Substitution of Attorney on November 27, 2002. We have been instructed by the Clerk of the Court to file a new

1 Substitution of Attorney which, is being filed concurrently with this Motion. This
2 caused some delay in my receiving the Court's rulings.

3 I declare under the penalty of perjury that the foregoing is true and correct.
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7 Date: _____

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9 Robert H. Tyler
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ORDER

FOR GOOD CAUSE, IT IS HEREBY ORDERED THAT:

The time for each party to file the initial brief in response to the Tentative Ruling dated June 23, 2003, be enlarged to and including August 1, 2003. Further, the time for each party to file the reply brief (or opposition brief) be enlarged to and including August 15, 2003.

Date: _____

Honorable Stephen V. Wilson