

**Ashley M. Gjovik, JD**  
*In Propria Persona*  
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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**ASHLEY M. GJOVIK, *an individual,***

Plaintiff,

vs.

**APPLE INC., a corporation,**

Defendant.

Case No. 3:23-CV-04597-EMC

**EMERGENCY**  
**ADMINISTRATIVE**  
**MOTION**

**Motion to Change Time**  
**Extend &/or Stay Deadline for**  
**Fifth Amended Complaint**

**Motion Filed: Oct. 22 2024**

**5-AC Deadline: Oct. 29 2024**

1                   **MOTION FOR EXTENSION OF DEADLINE FOR 5AC**

2  
3           Plaintiff, Ashley Gjovik, respectfully submits the following Administrative  
4 Motion requesting to Extend the Deadline for the Fifth Amended Complaint  
5 (currently due on Oct. 29 2024), pending the concurrently filed Motion to Stay  
6 and pending appeal.  
7

8           Fed. R. Civ. P. 6(b) allows the extension of time periods set by the rules,  
9 court order, or stipulation. It allows the court to extend deadlines "for good cause"  
10 if the request is made before the original deadline expires. Civil L. R. 6-3 also  
11 allows for motions to enlarge time.<sup>1</sup>  
12

13           Plaintiff hereby respectfully requests from this Court an extension and/or  
14 stay of the deadline for filing the Fifth Amended Complaint in the above-captioned  
15 case. This request is based on the following grounds and is additionally supported  
16 by the attached Declaration, Exhibit C, and the concurrently filed Motion to Stay  
17 pending appeal. As required, a Proposed Order is also attached.  
18

19           The deadline for the 5AC should be delayed as a matter of judicial economy.  
20 The parties are currently engaged in an appeal in the United States Court of  
21 Appeals for the Ninth Circuit which directly impacts the matters at issue in the  
22 requested amendment. The appeal raises significant legal issues and there is a  
23

24  
25  
26 \_\_\_\_\_  
27 <sup>1</sup> Civil L. R. 6-3(a): "...may be no more than 5 pages in length and must be accompanied by a  
28 proposed order and by a declaration that sets forth with particularity the reasons for the  
requested enlargement or shortening of time; describes the efforts the party has made to  
obtain a stipulation to the time change; identifies the substantial harm or prejudice that  
would occur if the Court did not change the time."

1 substantial likelihood that the appellate court will rule in favor of the  
2 plaintiff/appellant. (See concurrently filed Motion to Stay).

3 Plaintiff respectfully requests that the deadline for filing the Fifth Amended  
4 Complaint be extended to at least two weeks, ideally 30 days, following a decision  
5 on the Motion to Stay - if the court denies the request for a Stay. Or if the Stay  
6 of Proceedings is granted, then to stay the Fifth Amended Complaint along with  
7 the other proceedings.  
8

9  
10 In the alternative, if the court denies the Motion to Stay, and otherwise  
11 denies this request for extension, then Plaintiff respectfully requests to please  
12 allow an increase in the page limit for the complaint in order to 1) retain the  
13 claims dismissed with prejudice for the sake of preserving error for later appeal,  
14 and to 2) ensure adequate pleading of claims that were given leave to amend.  
15

16 As of right now, there is only one single page to contain all amendments for  
17 multiple complicated claims and to still retain dismissed claims to preserve error.

18 After receiving a motion to enlarge or shorten time and any opposition, the  
19 Judge may grant, deny, modify the requested time change or schedule the matter  
20 for additional briefing or a hearing. Civil L. R. 6-3(6)(d). Plaintiff respectfully  
21 requests the court grant this motion to either:  
22

- 23 - Stay the deadline for the Fifth Amended Complaint pending a decision  
24 on the concurrent Motion to Stay, or  
25  
26 - Stay the deadline for the Fifth Amended Complaint under the Motion to  
27 Stay all proceedings, or  
28

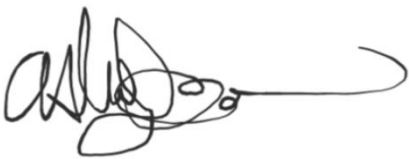
1 - Extend the deadline for the Fifth Amended Complaint at least 14  
2 calendar days and allow up to 200 pages instead of 75 pages, in order to  
3 preserve error of dismissed claims and to ensure due process.  
4

5  
6 This is the Plaintiff's first request for an extension of a deadline in this  
7 litigation. Plaintiff discussed this matter with the Defendant and the Defendant  
8 opposes this extension, the motion to stay, and the appeal. See Exhibit C attached  
9 to the supporting Declaration.  
10

11  
12 Thank you.

13  
14 Dated: October 22 2024.

15 Signature:

16  
17  
18  
19  
20 

21 **/s/ Ashley M. Gjovik**

22 *Pro Se Plaintiff*

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