

William P. Ferranti, OSB No. 160069
wpf@ferrantiappeals.com
THE FERRANTI FIRM LLC
1819 SW 5th Ave. #403
Portland, Oregon 97201
Tel: (503) 877-9220

Attorneys for Defendant Boris Berian

Per A. Ramfjord, OSB No. 934024
per.ramfjord@stoel.com
Kennon Scott, OSB No. 144280
kennon.scott@stoel.com
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Tel: (503) 224-3380

Attorneys for Plaintiff Nike, Inc.

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NIKE USA, INC., an Oregon corporation,

Case No. 3:16-cv-00743-SB

Plaintiff,

v.

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT TO ANSWER**

BORIS BERIAN, an individual California
resident,

Defendant.

LR 7-1 CERTIFICATION

In compliance with Local Rule 7-1(a), counsel for Defendant Boris Berian and Plaintiff Nike USA, Inc. conferred and join in the following motion.

MOTION

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 16-3(a), the parties, by and through their respective counsel of record, hereby jointly move the Court to enter an order extending by 14 days the deadline for Defendant to answer or otherwise plead, to and including June 24, 2016.

SUPPORTING MEMORANDUM

On April 29, 2016, Plaintiff filed this action for declaratory and injunctive relief. Defendant was served on May 20, 2016, and the deadline for Defendant to file an Answer or a Rule 12(b)(6) motion is June 10, 2016. As part of its Answer, Defendant intends to publicly file contractual documents that Plaintiff views as confidential. With additional time, the parties may be able to resolve this disagreement, but they have not yet been able to do so. Accordingly, rather than pressing upon the Court a contested motion to seal, the parties jointly move the Court for a short extension of time for Defendant to respond to the Complaint, specifically, for an order allowing Defendant to answer or otherwise plead no later than June 24, 2016.

In the meantime, the parties will attempt to reach agreement about these confidentiality issues, which also arise with respect to Plaintiff's pending motion for a preliminary injunction. The parties agreement to this extension is supported by good cause and complies with LR 16-3 for the following reasons:

1. Defendant has effectively used the time since being served with the complaint by engaging counsel to represent him and beginning to prepare his defense to Plaintiff's Complaint.

Since June 1, 2016, however, his defense has been focused on responding to motions filed by Plaintiff seeking emergency and expedited relief. *See* Dkt. Nos. 6 and 13. On June 7, 2016, the parties appeared before the Court and argued these motions, which the Court granted in substantial part in rulings issued orally and orders entered on June 8 and 9, 2016. *See* Dkt. Nos. 22, 23, 24.

2. At present, as ordered by the Court, the parties are engaged in expedited discovery, with document production by both parties due on June 15, 2016 and certain limited depositions scheduled for June 17, 2016. And, a preliminary injunction hearing is scheduled for June 21, 2016, before which Defendant must prepare and file his written opposition.

3. In connection with these efforts, the parties expect to reach agreement on a protective order, and to further discuss (in the hopes of reaching agreement) the confidentiality of one document in particular—a draft agreement that Plaintiff sent to Defendant’s agent on February 22, 2016. The parties disagree on whether this draft agreement must be filed under seal.

4. Although the parties will need to resolve this disagreement at or before the preliminary injunction hearing on June 21, 2016, by extending the time for Defendant’s answer, the Court would give the parties an opportunity to further confer and attempt to reach a compromise, without resorting to a contested motion.

5. This proposed extension should have no impact on the Discovery and Pretrial Order issued by the Clerk’s Office on May 2, 2016. Dkt. No. 3.

For all of these reasons, the parties respectfully request that the Court enter an order extending by 14 days the deadline for Defendant to answer or otherwise plead, to and including June 24, 2016.

DATED this 10th day of June, 2016.

STOEL RIVES LLP

THE FERRANTI FIRM LLC

By: s/ Kennon Scott

Per A. Ramfjord, OSB No. 934024

Kennon Scott, OSB No. 144280

By: s/William P. Ferranti

William P. Ferranti, OSB No. 160069

760 SW Ninth Avenue, Suite 3000

Portland, OR 97205

Tel: (503) 224-3380

per.ramfjord@stoel.com

kennon.scott@stoel.com

1819 SW 5th Ave. #403

Portland, Oregon 97201

Tel: (503) 877-9220

wpf@ferrantiappeals.com

– And –

Attorneys for Plaintiff Nike, Inc.

Vincent C. Ewing, admitted pro hac vice

LAW OFFICE OF VINCENT C. EWING

111 West Ocean Blvd., Suite 400, PMB 444

Long Beach, CA 90802

Tel: 626-818-5245

vcewing@me.com

Attorneys for Defendant Boris Berian