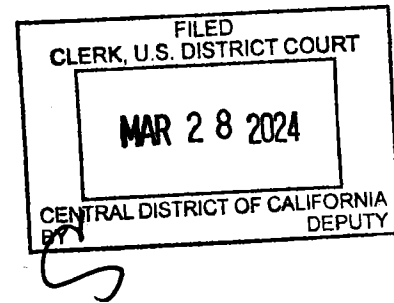


Shaheryar Khan
2219 Olive street
Burbank Ca 91506
Plaintiff In proper



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SHAHERYAR KHAN

PLAINTIFF,

CASE NUMBER 2:22-CV-02333 *MEMF*

PLAINTIFFS Notice of Motion and motion to

to set aside the courts order denial of order
3/18/24 denying plaintifffs extension to file the
first amended complaint

ADAM KRAEMER ET AL

DEFENDANTS,

JUDGE: Maame Ewusi Mensah Frimpong

DATE: August 29th 2024

Time 10 AM

CRTRM: 8 A 8TH FLOOR

ACTION FILED: APRIL 7 TH 2022

To the Honorable Court and to all parties Please take notice that on August 29th 2024 at 10 AM or soon there after as this matter may be heard in the above titled court located at 250 w 1st street los angeles ca 90012 courtroom 8A plaintiff seeks the court grant an order issued on 3/18/24 to reconsider / set aside order denying plaintiff extension to file First amended complaint .

Plaintiff Respectfully files this motion based upon irreparable harm and prejudice plaintiff will suffer if not granted. Plaintiff respectfully supplies these new facts and new information unavailable at the time due to plaintiffs due to illness at the time and plaintiffs own incapacity and in availability of facts at the time prior to this motion being filed

Plaintiff will file documents to support this claim including points and authority , declarations , oral testimony and expert witness testimony as may be allowed at the hearing of this motion and wishes the court to leave to amend additional supplemental pleadings when available up until the court date. Plaintiff contends that plaintiff will disclose the names of expert testimony or declaration when expert witnesses are available and they are hired and made available to support plaintiff claims in this motion before the court date and requires their testimony and declaration at the hearing on the hearing date unless an order granting my motion is provided prior to that date.

The court has granted an extension before however the plaintiff was victim of hacking recently affecting plaintiffs ability to file prepared work relevant to completing the first amended complaint . Plaintiff was victim to an espionage tactic tampering with plaintiffs council there he was going to hire and had to let go of this attorney. Plaintiff was still incapacitated and suffered from life threatening illness in these last 3 months . Plaintiff will suffer irreparable harm and be unable to comply with business requirement with the Attorney Generals office and business contracts and will suffer liability from losses should this court not grant this motion so that the plaintiff can obtain judgments and monetary damages to satisfy those responsibilities.

Plaintiff will leave to amend this motion as Plaintiff did not see the courts order until recently 3/24/24 . Plaintiff request the court allow for continuity and plaintiff rights to allow shortened time to file this motion within 10 days of the order filed by the court on 3/18/24.

Plaintiff respectfully understands will supply a first amended complaint prior to the court date captioned above or not too long out.

plaintiff will suffer as he will not be able to perform in his contracts and remedy losses through a judgment or order in plaintiffs favor

.Plaintiff will provide evidence and expert witness testimony and declaration to confirm and support this statement and motion

Plaintiff will submit expert witness testimony and exhibits and declaration and supplement

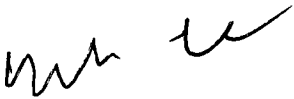
briefings to support this motion and wishes leave to amend

This motion is made following the conference of council pursuant to LR 7-3 .

Plaintiff respectfully submits this application and hope s that the court renders the decision after review of the defendnats opposition in plaintiffs favor

I declare under the penalty of perjury the foregoing is true and correct.

3/28/24

x  _____

Plaintiff Shaheryar Khan in Pro Per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-02333-MEMF-AS Date: March 18, 2024
Title Shaheryar Khan v. Adam Kraemer, et al.

Present: The Honorable: Maame Ewusi-Mensah Frimpong

Damon Berry
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER RE: Plaintiff's Notice and Application for Ex Parte Motion for An Extension of Time to File First Amended Complaint [ECF No. 95]

The Court is in receipt of Plaintiff Shaheryar Khan's Ex Parte Application for an Extension of Time to File First Amended Complaint (ECF Nos. 115, 120, 122) and Amended Ex Parte Application for Extension of Time to File First Amended Complaint (ECF No. 123, collectively, the "Ex Parte Filings"), as well as Defendant Google LLC's Opposition to Shaheryar Khan's Ex Parte Motion for an Extension of time to File an Amended Complaint (ECF No. 118).

In the Central District, a party seeking ex parte relief must comply with (1) the Local Rules and Federal Rules of Civil Procedure, and (2) the standards set forth in *Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

Local Rule 7-19.1 requires a party filing an ex parte application to:

L.R. 7-19 Ex Parte Application. An application for an ex parte order shall be accompanied by a memorandum containing, if known, the name, address, telephone number and e-mail address of counsel for the opposing party, the reasons for the seeking of an ex parte order, and points and authorities in support thereof. An applicant also shall lodge the proposed ex parte order.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-02333-MEMF-AS Date: March 18, 2024
Title *Shaheryar Khan v. Adam Kraemer, et al.*

L.R. 7-19.1 Notice of Application. It shall be the duty of the attorney so applying (a) to make reasonable, good faith efforts orally to advise counsel for all other parties, if known, of the date and substance of the proposed ex parte application and (b) to advise the Court in writing and under oath of efforts to contact other counsel and whether any other counsel, after such advice, opposes the application. C.D. Cal. R. 7-19, 7-19.1.¹

Here, several of Khan's Ex Parte Filings all indicate that Khan reached out to opposing counsel to alert them about the ex parte filings prior to filing. *See, e.g.*, ECF No. 115 at 2–3, ECF No. 123 at 2. Thus, Khan has complied with the notice portion of Local Rule 7-19.1

Under *Mission Power*, a party seeking ex parte relief must establish (1) that the requesting party will be irreparably prejudiced if the motion is heard on a normal schedule and (2) that the requesting party did not create the crisis requiring ex parte relief.

Here, Khan does not explicitly discuss the prejudice he would face if his motion were heard in accordance with regular procedures. However, the Court notes that Khan asks for an extension to file his First Amended Complaint ("FAC"), *see e.g.*, ECF No. 115 at 2, that would moot the pending motions to dismiss, which could be granted with prejudice. *See* ECF No. 66. Thus, it is conceivable that Khan could be irreparably prejudiced.

However, the second *Mission Power* factor does not weigh in Khan's favor. Khan has moved *several* times to extend the deadline to file his FAC—originally April 21, 2023, ***almost a full year ago***. Khan states that more time is necessary because he needs to retain counsel and re-draft his FAC due to a hacking incident. ECF No. 115 at 2. While the hacking incident is new, each of Khan's prior requests have reiterated Khan's need to secure counsel. Khan also states that he is still under treatment for his medical conditions. ECF No. 115 at 2. Although the Court understands that medical issues are beyond Khan's control, the deadline cannot be extended indefinitely until Khan's personal health issues are resolved. The Court has provided Khan with ample time—a little over 10 months measured from April 25, 2023, the date the Court granted Khan's first ex parte, to present day—to procure counsel and file a FAC. The Court thus

¹ Pro se litigants must comply with the Local Rules. L.R. 83-2.2.3.

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