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7 **COURT OF APPEAL**
8 **FIRST APPELLATE DISTRICT**
9 **DIVISION 2**

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12 S. LOUIS MARTIN,) Case Number A145657
13 Plaintiff and Appellant)
14 V) Opposition to Google's
15 GOOGLE, INC.) Application for
16 Defendant and Respondent) Extension
17)
18) 5 October 2015
19 _____)

20

21 **OPPOSITION TO GOOGLE'S APPLICATION FOR EXTENSION**

22 **IN CASE MARTIN V GOOGLE, INC. (A145657)**

23

24

25 Google states the following regarding the reason for its request for
26 extension:

27

28 *Respondent Google Inc. ("Google") filed a motion to dismiss this appeal*
29 *as untimely on August 19, 2015. In light of indications on the Court's*
30 *registry of future scheduled actions that may be taken on this motion by*
31 *October 16, 2015, Google hereby requests an extension to file its brief*
32 *on the merits of this appeal, currently due on October 22, 2015. In order*
33 *to ensure that Google has adequate time to prepare any necessary*
34 *merits brief should the case not be dismissed on timeliness grounds,*
35 *Google respectfully requests a 30-day extension to November 23, 2015*
36 *or, in the alternative, an extension of 30 days from the date Google's*
37 *motion is decided.*

38

39

40 **The Law: CRC 8.63**

41

42 CRC 8.63 is the governing law regarding extensions, and (a) (1) states
43 this:

44

45 *The time limits prescribed by these rules should generally be met to*
46 *ensure expeditious conduct of appellate business ...*

47

48 But it also recognizes in (a) (2) this:

49

50 *effective assistance of counsel to which a party is entitled includes*
51 *adequate time ...*

52

53 In recognition of these opposing policies, 8.63 (b) lays down the rules
54 for deciding if there is “good” or “exceptional” cause for granting
55 extensions.

56

57 Let us look at what Google is asking for and see if "good" or
58 "exceptional" cause applies:

59

60 1. If the court decides to not dismiss the case on 16 October 2015, then
61 Google is asking for an extension for filing its brief to 30 November
62 2015. This gives Google a total of 60 days to file its brief, 38 days of
63 those 60 days past the 16 October date. This is neither the letter nor
64 the spirit of the law regarding filing of respondent briefs. It is generosity
65 made generous.

66

67 2. Google then goes on to talk about "the alternative," without
68 specifying exactly to what the "alternative" refers; but one might guess
69 Google is referring to this situation: the court does not decide one way
70 or the other on 16 October 2015 but instead moves the date out. (Note
71 that there are other alternatives here, including that the court does not
72 decide at all; it may, for instance, want to wait and see Google's
73 response to the opening brief.) Let us assume, as Google seems to, that
74 the court set a new date for a decision on dismissal, say two weeks
75 later on 30 October 2015. In that case, Google would be asking for an
76 additional 30 days. The new date for Google's response would be then
77 be 30 November 2015. This would give Google 69 days from the filing
78 date of the Opening Brief. Extremely generous!

79

80 In any case, Google obtains a huge prejudicial advantage in its filing. It
81 could and probably would "reinvent" the truth. And of course this is
82 hugely unfair to Pro Se Plaintiff Martin, who labored hard to do his
83 work on time. If an extension should be granted, it should be granted to
84 the Pro Se Plaintiff, not to three healthy, highly-experience attorneys
85 with huge expertise in antitrust law.

86

87

88 **Factors that must be considered per CRC 8.63(b)**

89

90 CRC 8.63 (b) (1) says the court must consider the following:

91

92 *The degree of prejudice, if any, to any party from a grant or denial of*
93 *the extension....*

94

95 Granting the extension hands a huge advantage to the already hugely
96 advantaged. It would not be tolerated in any sporting event and should
97 not be tolerated by the court.

98

99 CRC 8.63 (b) (2) says the court must also consider this:

100

101 *In a civil case, the positions of the client and any opponent with regard*
102 *to the extension.*

103

104 Martin not only voiced his opposition to Google but to the clerk of the
105 court on the same day that the extension was granted. The court in fact
106 signed the extension on the day it was filed, preventing any formal
107 opposition and violating the rules clearly laid down in CRC 8.63.

108 Granting the extension not only violates the letter of the law but the
109 spirit as well.

110

111 Google's statement of cause includes this: "In light of indications on the
112 Court's registry of future scheduled actions that may be taken on this
113 motion by October 16, 2015 ..."

114

115 Does CRC 8.63 (b) anywhere indicate that speculations by the
116 Defendants such as "in light of indications ... of future actions" are to be
117 considered by the court? Absolutely not! Further actions are not the
118 jurisdiction of Google and should be left to the court. Nor should
119 Google in this way try to influence the court in a course of action. It is
120 not appropriate.

121

122 Finally, no local rules of the court affect the substance of CRC 8.63.

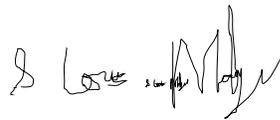
123

124 This of course shows huge preferential treatment of client Google and
125 huge disrespect for Plaintiff Martin. Even in Shakespeare's *Merchant of*
126 *Venice*, set 400 years ago, Shylock observes the letter of the law and
127 refrains from taking the pound of flesh. Here, however, the law is clear
128 and the Plaintiff is not quibbling.

129

130 Dr. S. Louis Martin

131 /s/ S. Louis Martin

A handwritten signature in black ink, appearing to read "S. Louis Martin". The signature is stylized and cursive, with a large initial "S" and a prominent flourish at the end.

132

133 5 October 2015