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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Concrete Management Corporation, a) No. CV-08-0322-PHX-LOA  
10 Colorado Corporation, )

11 Plaintiff, ) **ORDER**

12 vs. )

13 Double AA Builders of California, Inc., a) )  
14 California corporation; Double AA )  
15 Builders, Ltd., an Arizona corporation, )

16 Defendants. )

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18 This case arises on the parties’ Joint Motion to Amend Scheduling Order,  
19 which seeks to extend, *inter alia*, the parties’ expert witness deadlines, filed nearly three  
20 weeks *after* Plaintiff’s October 3, 2008 deadline to disclose its expert witnesses expired.  
21 (docket # 27) Additionally, the parties move for a 60-day extension of all deadlines set forth  
22 in the Court’s May 16, 2008 Amended Scheduling Order “due to unforeseen and  
23 unanticipated problems, mostly of a technical nature concerning document preparation and  
24 production.” *Id.* at 1.

25 At the May 15, 2008 Rule 16 scheduling conference, and in its Rule 16  
26 Amended Scheduling Order, docket # 20, the Court made clear to counsel that the Rule 16  
27 “**deadlines are real** [and] the Court intends to enforce the deadlines set forth in [that] Order  
28 and [counsel] should plan their litigation activities accordingly,” citing, among other cases,

1 *Hostnut.Com, Inc.v. Go Daddy Software, Inc.*, 2006 WL 2573201 \*1 (D. Ariz. 2006); *Janicki*  
2 *Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir.1994) (“[F]ederal Rule of Civil Procedure  
3 16 is to be taken seriously.”) (emphasis in original). In fact, the Court encouraged counsel  
4 to consider, and the Court accepted, their oral agreement at the May 15, 2008 scheduling  
5 conference to extend the various deadlines initially outlined in Judge Murguia’s April 28,  
6 2008, docket # 16, by 60 days.

7 The Court will reluctantly partially grant the parties’ request to extend their  
8 expert witness deadlines but will deny the balance of their joint motion due to an absence  
9 of good cause to extend all deadlines.

10 **IT IS ORDERED** that the Joint Motion to Amend Scheduling Order, docket  
11 # 27, is **GRANTED** in part and **DENIED** in part.

12 **IT IS FURTHER ORDERED** that:

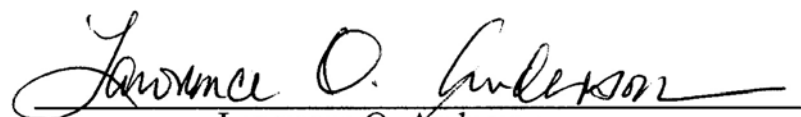
13 1. Plaintiff’s deadline to disclose expert testimony and reports required under  
14 Rule 26(a)(2)(B), Fed.R.Civ.P., is hereby extended to **Monday, November 24, 2008.**

15 2. Defendants’ deadline to disclose of expert testimony and reports required  
16 under Rule 26(a)(2)(B), Fed.R.Civ.P., is hereby extended to **Wednesday, December 24,**  
17 **2008.**

18 3. Plaintiff’s deadline to disclose rebuttal expert testimony and reports to solely  
19 contradict or rebut expert opinion evidence is hereby extended, to **Friday, January 23,**  
20 **2009.**

21 **IT IS FURTHER ORDERED** that all other deadlines are hereby  
22 **AFFIRMED** and shall remain as outlined in the Court’s May 16, 2008 Amended Scheduling  
23 Order. Counsel are hereby advised that additional requests for extensions of the Rule 16  
24 deadlines will not likely be granted by the Court.

25 DATED this 21<sup>st</sup> day of October, 2008.

26 

27 Lawrence O. Anderson  
28 United States Magistrate Judge