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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Michael L. Taylor, on behalf of himself
and other persons similarly situated, et al.,

No. CV-10-8125-PCT-FJM

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ORDER

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Plaintiffs,

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vs.

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Autozone, Inc. et al.,

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Defendants.

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We have before us plaintiffs’ motion (doc. 62) to modify the Rule 16 scheduling order (doc. 22). Defendant has not responded. Plaintiffs request that we extend the discovery cutoff date from August 31, 2011 to October 21, 2011, 150 days after the date of our order conditionally certifying the class (doc. 67).

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We may modify a Rule 16 schedule only upon a showing of “good cause.” Fed. R. Civ. P. 16(b)(4). The “‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). We may modify the order only “if it cannot reasonably be met despite the diligence of the party seeking the extension.” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002).

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Plaintiffs filed their motion for conditional class certification on November 30, 2010, and the motion was fully briefed on December 27, 2010. Because of an especially busy period for the court, we did not issue our order conditionally certifying the class until May

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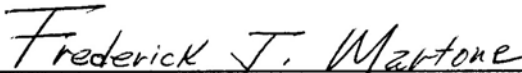
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1 24, 2011 (doc. 67). The time needed to produce potential class members' contact
2 information and send notice to potential class members, as well as the opt-in period, leaves
3 the parties with little opportunity for plaintiff-specific discovery. We therefore conclude that
4 there is good cause to extend the discovery cutoff deadline to October 21, 2011.

5 Neither this extension, nor its consequences, will be grounds for further modification
6 of the Rule 16 schedule, including the dispositive motion deadline of September 30, 2011.
7 The parties are advised to complete relevant discovery sooner rather than later.

8 **IT IS ORDERED GRANTING** plaintiffs' motion to modify the scheduling order
9 (doc. 62). Paragraph 6 of the Rule 16 Scheduling Order (doc. 22) is amended to provide that
10 all discovery must be completed by October 21, 2011.

11 DATED this 10th day of June, 2011.

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15 Frederick J. Martone
16 United States District Judge
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