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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 CENTRAL COAST PIPE LINING, INC.,

11 Plaintiff,

12 v.

13 PIPE SHIELD USA, INC.; PIPE SHIELD
14 SERVICES, LTD.; B.G. ARNOLD
15 SERVICES T/A BRADLEY
16 MECHANICAL SERVICES;
17 ELASTOCHEM COMPANY
SPECIALTY, INC.; DOES 1-100,
inclusive,

Defendants.

Case No. 2:13-cv-639-ODW(Ex)

**ORDER DENYING STIPULATION
TO CONTINUE DEADLINE TO
CONDUCT DEPOSITIONS [30]**

18 On October 9, 2013, the parties filed a stipulation to continue the discovery
19 cutoff from November 4, 2013, to December 4, 2013, and the last day to conduct the
20 mandatory settlement conference from December 9, 2013, to December 24, 2013.
21 (ECF No. 30.) Plaintiff Central Coast Pipe Lining, Inc. desires to depose B.G. Arnold
22 Services T/A Bradley Mechanical Services's president Bradley Arnold and third-party
23 witnesses Sam and Brenda DiLoreto. These individuals all reside in Canada.

24 When a district court sets a deadline, a party must present "good cause" for
25 modifying the schedule. Fed. R. Civ. P. 16(b)(4). The Ninth Circuit has held that this
26 standard "primarily considers the diligence of the party seeking the extension."
27 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (internal
28 quotation marks omitted).

1 The Court issued the Scheduling and Case Management Order in this case on
2 July 2, 2013. The Order provided the parties with some five months of discovery.
3 Yet now Central Coast Pipe Lining indicates that it never arranged the deposition of
4 Bradley Mechanical Services's President—easily one of the most important
5 individuals in this case. The Court understands that Arnold and the DiLoretos are
6 located in Canada. But Central Coast Pipe Lining has not demonstrated that it is
7 necessary to take more than five months to venture to Canada to conduct these
8 depositions.

9 The Court finds that Central Coast Pipe Lining has not demonstrated good
10 cause for altering the Scheduling and Case Management Order. The Court therefore
11 **DENIES** the parties' stipulation. (ECF No. 30.) The schedule shall remain
12 unchanged.

13 **IT IS SO ORDERED.**

14
15 October 10, 2013

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19 **OTIS D. WRIGHT, II**
20 **UNITED STATES DISTRICT JUDGE**
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