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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

METROPOLITAN LIFE INSURANCE)	CV 16-08317-RSWL-RAO
COMPANY,)	
Plaintiff-in-)	ORDER Striking Maloney's
Interpleader,)	Motion for Summary
v.)	Judgment or Partial
)	Summary Judgment [59]
BAMBI GICANA; and ARACELI)	
MALONEY,)	
Defendants-in-)	
Interpleader.)	
_____)	
AND RELATED CROSS AND)	
COUNTER CLAIMS)	
_____)	

Currently before the Court is Defendant/Cross Defendant/Counter Claimant Araceli Maloney's ("Maloney") Motion for Summary Judgment or Partial Summary Judgment ("Motion") [59]. Having reviewed all papers submitted pertaining to this Motion, the Court **NOW FINDS AND RULES AS FOLLOWS:**

1 the Court **STRIKES** Maloney's Motion.

2 **I. BACKGROUND**

3 The filing deadline for motions was February 6,
4 2018. Nevertheless, and without moving to modify the
5 Court's Scheduling Order [34], Maloney filed the
6 instant Motion [59] on February 20, 2018.

7 **II. DISCUSSION**

8 **A. Legal Standard**

9 A scheduling order "may be modified only for good
10 cause and with the judge's consent." In re W. States
11 Wholesale Nat. Gas Antitrust Litig., 715 F.3d 716, 737
12 (9th Cir. 2013)(quoting Fed. R. Civ. P. 16(b)(4)).
13 "Good cause" primarily concerns the diligence of the
14 party seeking to modify the scheduling order. Johnson
15 v. Mammoth Recreations, 975 F.2d 604, 609 (9th Cir.
16 1992). Prejudice to the opposing party might supply
17 additional reasons for denying the modification. Id.

18 **B. Analysis**

19 Even if Maloney had moved to modify the Scheduling
20 Order, there is no good cause for filing this Motion
21 late. Maloney and Defendant/Counter Claimant/Counter
22 Defendant Bambi Gicana ("Gicana") met and conferred on
23 January 2, 2018, and Maloney even filed her Motion for
24 Judgment on the Pleadings [54] on the last day of the
25 filing deadline. If Maloney had acted diligently, she
26 also would have filed the instant Motion within the
27 deadline. Since Maloney was not diligent, the inquiry
28 ends, and the Court need not inquire into Gicana's

1 prejudice. Id.

2 Because Maloney ignored the deadline, the Motion is
3 **STRICKEN**. The Court will only consider Maloney's
4 Opposition to Gicana's Motion for Summary Judgment
5 ("Opposition") [59]. Maloney shall not file any
6 further documentation regarding her Opposition or
7 stricken Motion.

8 **III. CONCLUSION**

9 Based on the foregoing, the Court **STRIKES** Maloney's
10 Motion [59].

11 **IT IS SO ORDERED.**

12 DATED: February 27, 2018

s/RONALD S.W. LEW

13 **HONORABLE RONALD S.W. LEW**
14 Senior U.S. District Judge
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