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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL GONZALEZ, JR., a minor by and
through his guardian ad litem, Maria
Gonzales, MARIA GONZALEZ, and
MIGUEL GONZALEZ,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 1:09-cv-00509-LJO-SKO

**ORDER DENYING APPLICATION
TO MODIFY THE SCHEDULING
ORDER**

(Docket No. 52)

On June 1, 2011, the parties filed a request to modify the scheduling order to allow additional time for the matter to be privately mediated. The first date available for mediation is August 29, 2011, which conflicts with the parties' current schedule. The parties, therefore, request that all the remaining deadlines in the case be extended to allow time for the private mediation.

While the Court is willing to grant a modification of the schedule to allow for mediation, the schedule proposed by the parties is not workable. Specifically, the parties request that the dispositive motion filing deadline be continued to February 30, 2012, and the Pre-Trial conference be continued to April 12, 2012. A February 30, 2012, deadline is impossible and motions must be filed at least 28 days prior to any hearing on that motion. Local Rule 230(b). Thus, a motion filed on February 29, 2012, will not be heard until March 28, 2011, leaving, at best, only 14 days between the

1 dispositive motion hearing date and the Pre-Trial Conference – which is an insufficient amount of
2 time.

3 The Court is reticent to select alternative dates for the Pre-Trial conference and the Trial
4 without any input from counsel and their clients regarding their availability on any of the dates
5 chosen. The Court, therefore, denies the modification to the schedule *as proposed*. The parties are
6 encouraged to renew their motion for a schedule modification that allows: (1) *at least 6 weeks*
7 between the dispositive motion filing deadline and the hearing date; (2) *at least 6 weeks* between any
8 dispositive motion hearing and the Pre-Trial Conference and (3) *at least 6 weeks* between the Pre-
9 Trial Conference and the Trial date.

10 Accordingly, it is HEREBY ORDERED THAT the parties' motion for a modification to the
11 schedule is DENIED without prejudice.

12
13 IT IS SO ORDERED.

14 **Dated:** June 2, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE