

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RAFAEL MUNOZ, et al,)	Case No.: 1:09-cv-00703 AWI JLT
Plaintiffs,)	ORDER AMENDING SCHEDULING ORDER
v.)	
GIUMARRA VINEYARDS CORPORATION,)	
Defendant.)	

On August 19, 2011, the Court denied the parties’ stipulation to amend the scheduling order related to briefing and discovery of the class certification motion. (Doc. 67) On August 23, 2011, the Court conducted an informal telephonic hearing, at the request of counsel. At the hearing, counsel provided additional detail explaining their need for the amendments. In particular, defense counsel reported that he had not anticipated the amount of the evidence submitted in support of the motion nor the need to conduct discovery related to this evidence. Likewise, counsel reported that he had not anticipated the number of complicated issues raised in the motion. Finally, counsel reported that unanticipated issues in other matters had reduced the amount of time that he calendar and his co-counsel had, thus far, to devote to formulating the opposition.

In addition, counsel reported that they had agreed, as set forth in the stipulation filed on August 16, 2011, to the parties taking limited depositions of the declarants supporting and opposing the motion for class certification. In particular, counsel reported that they had made great efforts to

1 come to an accommodation that they believed would allow both sides to conduct additional, limited
2 discovery of issues raised by the declarants and were committed to completing this discovery without
3 the need for future court intervention. Finally, Plaintiffs' counsel reported that they anticipated that
4 the opposition to the motion for class certification would be extensive which would require
5 additional time to prepare a full reply.

6 According to Fed. R. Civ. P. 16(b)(3), the Court finds GOOD CAUSE to amend the
7 scheduling order. Therefore, the Court ORDERS the following amendments to the scheduling order:

- 8 1. The hearing on the motion for class certification (Doc. 42) is continued to **December**
9 **29, 2011 at 9:00 a.m.** at the United States Bankruptcy Courtroom at 1300 18th Street,
10 Bakersfield, California. The parties may appear by CourtCall but, if they choose to
11 do so, **they SHALL file a notification of their intention to appear by telephone no**
12 **later than December 15, 2011;**
- 13 2. Defendant's opposition to the motion for class certification **SHALL** be filed no later
14 than **September 30, 2011** and any reply **SHALL** be filed no later than **December 9,**
15 **2011;**
- 16 3. No other deadlines set forth in the scheduling order are ordered modified by this
17 order. Moreover, the Court reiterates that the amendments granted herein, in no way
18 implies its willingness or agreement to modify any further deadlines set forth in the
19 scheduling order and counsel is advised to use diligence to meet those deadlines;
- 20 4. **No further modification to the briefing schedule or the hearing date for the**
21 **motion for class certification will be granted absent a showing of exceptional**
22 **good cause.**

23 IT IS SO ORDERED.

24 Dated: August 24, 2011

25 /s/ Jennifer L. Thurston
26 UNITED STATES MAGISTRATE JUDGE
27
28