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

LEHMAN BROTHERS HOLDINGS,
INC.,

CASE NO. 1:09-cv-01018-LJO-JLT

Plaintiff,

ORDER DENYING REQUEST TO MODIFY
SCHEDULING ORDER

v.

(Doc. 36)

GOLDEN EMPIRE MORTGAGAGE, INC,
dba GEM CAPITAL FUNDING

Defendant.

Before the Court is the parties' request to modify the amended Scheduling Order dated March 17, 2010, to extend discovery deadlines and non-dispositive and dispositive motion deadlines. (Doc. 36). The parties assert that they seek this extensions because have engaged in lengthy settlement efforts which have caused them to postpone discovery and, therefore, will need additional time to complete discovery if they are unable to settle. (Id. at 1-2).

In the Scheduling Order issued on March 17, 2010, that was modified upon the stipulation of the parties, the Court informed the parties that “[n]o further modifications to the Scheduling Order will be approved without a showing of Good Cause even in instances where the parties stipulate to the proposed modification.” (Doc. 34 at 4). Nevertheless, in their stipulation, the parties recite facts that support the conclusion only that they have delayed settlement discussions and have failed to

1 diligently pursue discovery. This does not constitute good cause to modify the Scheduling Order.

2 Accordingly, IT IS HEREBY ORDERED that request to modify the Scheduling Order is
3 **DENIED.**

4
5 IT IS SO ORDERED.

6 Dated: May 28, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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