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

JONATHAN SORRELL,	)	1: 09-cv-1465 AWI-GSA
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING STIPULATION TO
	)	AMEND SCHEDULING CONFERENCE
	)	ORDER WITHOUT PREJUDICE
KEL-TEC CNC INDUSTRIES, INC.,	)	
	)	
Defendant.	)	(Doc. 27)
	)	

On December 9, 2010, the parties filed a stipulation that sought to extend all of the dates [in this case for several months. \(Doc. 27\).](#) [Fed.R.Civ.P. 16\(b\)\(2\)](#) and (3) requires district courts to enter scheduling orders to establish deadlines in cases. [Fed.R.Civ.P. 16\(b\)\(2\)](#) and (3). A schedule may be modified only for good cause *and* with the judge’s consent. [Fed. R. Civ. P. 16\(b\)\(4\).](#)

This court’s previous scheduling order issued on November 13, 2009 provides as follows :

Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the requested relief.  
(Doc. 17 at pg. 7 lines 14-17).

No declarations were attached to the instant stipulation explaining the circumstances for the extension request. Therefore, no good cause has been shown. The Court also notes that the stipulation to extend the dates was filed *one day* prior to expiration of the non-expert discovery deadline scheduled for December 10, 2010. Furthermore, a lengthy extension in this case was

1 previously granted in August 10, 2010. (Doc. 26). The Court is not inclined to grant another  
2 extension request absent a showing of good cause. Therefore, the request to amend the scheduling  
3 order is DENIED WITHOUT PREJUDICE. An amended stipulation to extend the dates in the  
4 scheduling order shall be filed within five (5) days and must contain the appropriate  
5 documentation establishing good cause.<sup>1</sup> Failure to file an amended stipulation/request within this  
6 time period may result in denial of the request.

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8 IT IS SO ORDERED.

9 **Dated: December 15, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> It is also noted that the stipulation filed on December 9, 2010, indicates that Plaintiff's attorney, Stuart Chandler, authorized his signature for the document on August 9, 2010. (Doc. 27 at pg. 4 lines 21-22). This is clearly an error.