

1 Pursuant to Rule 16(b), a scheduling order “may be modified only for good cause and with the
2 judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard “primarily considers the
3 diligence of the party seeking the amendment.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604,
4 609 (9th Cir. 1992). The court may modify the scheduling order “if it cannot reasonably be met
5 despite the diligence of the party seeking the extension.” Id. If the party was not diligent, the inquiry
6 should end. Id.

7 **III. Discussion**

8 Defendant Williams explains that in accordance with the Amended Discovery and Scheduling
9 Order, Plaintiff’s deposition was completed in November 2014. (ECF No. 69-1, Declaration of Ellen
10 Hung (“Hung Dec.”) ¶ 3.) Defense counsel also has been analyzing Plaintiff’s medical records,
11 central file and deposition transcript and has been working on a motion for summary judgment. (Hung
12 Dec. ¶ 4.) However, Defendant Williams reports that a modification of the dispositive motion
13 deadline is necessary due to defense counsel’s serious ongoing medical concerns, which have resulted
14 in extensive absences from work. (Hung Dec. ¶ 5.) As such, Defendant Williams requests a sixty-
15 five-day continuance of the dispositive motion deadline to April 24, 2015.

16 Having considered Defendant’s moving papers, the Court finds good cause for the continuance
17 of the dispositive motion deadline. Defendant has been diligent in completing discovery and working
18 on the dispositive motion, but the relevant deadline cannot be met due to medical concerns
19 experienced by defense counsel. The brief continuance will not result in measurable prejudice to
20 Plaintiff or to witnesses in a matter that has been pending since 2010.

21 **IV. Conclusion and Order**

22 Based on the above, Defendant Williams’ motion to modify the scheduling order is HEREBY
23 GRANTED. The dispositive motion deadline is extended to April 24, 2015.

24
25 IT IS SO ORDERED.

26 Dated: February 20, 2015

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE