

1 interrogatories, requests for admissions and requests for production on June 11, 2013. (ECF No. 56,
2 Declaration of Tyler V. Heath (“Heath Dec.”) at ¶ 3, Ex. A.) Plaintiff’s responses were due on July
3 29, 2013, but Plaintiff did not serve any responses. (Heath Dec. at ¶ 3.)

4 On August 5, 2013, Plaintiff was deposed. At that time, defense counsel asked Plaintiff about
5 his responses to Defendants’ written discovery. (Id. at ¶ 4.) Plaintiff claimed that he received the
6 requests late, but that he would try to respond by August 29, 2013. (Id.) Plaintiff also stated that he
7 filed a request for an extension of time with the Court. (Id.) Defense counsel subsequently sent
8 Plaintiff a letter memorializing this discussion. Counsel informed Plaintiff that the requests were
9 served timely, that Plaintiff’s responses were late, and that no request for an extension of time had
10 been timely filed with the Court. (Id. at ¶ 5, Ex. B.) Thereafter, defense counsel received a letter from
11 Plaintiff contending that he received the requests late, but that he would attempt to answer them by
12 August 29, 2013. (Id. at ¶ 6.)

13 Defense counsel reports that Plaintiff still has not answered Defendants’ written discovery and
14 that Plaintiff has not requested an extension of time from the Court. (Id. at ¶ 7.) As a result,
15 Defendants now request that the discovery deadline be extended thirty days to September 12, 2013, for
16 the limited purpose of allowing Plaintiff to respond to Defendants’ discovery requests and to allow
17 Defendants to review the responses and file any appropriate motion. Defendants also request a
18 corresponding extension of the dispositive motion deadline.

19 II. DISCUSSION

20 Pursuant to Federal Rule of Civil Procedure 16(b), a scheduling order “may be modified only
21 for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard
22 “primarily considers the diligence of the party seeking the amendment.” Johnson v. Mammoth
23 Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The district court may modify the scheduling
24 order “if it cannot reasonably be met despite the diligence of the party seeking the extension.” Id.

25 Given Defendants’ efforts to secure responses to their discovery requests, the Court finds good
26 cause to extend the relevant deadlines for the limited purpose of obtaining Plaintiff’s responses and, if
27 necessary, the filing of a motion to compel. The Court also finds it appropriate to extend the
28 dispositive motion deadline to allow for completion of discovery.

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III. CONCLUSION AND ORDER

Good cause appearing, Defendants' motion for modification of the discovery and dispositive motion deadlines is GRANTED. The deadline to complete discovery is extended thirty (30) days to September 12, 2013, and the deadline to file dispositive motions is extended thirty (30) days to November 25, 2013.

IT IS SO ORDERED.

Dated: August 14, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE