

1 KAMALA D. HARRIS, State Bar No. 146672
Attorney General of California
2 MONICA N. ANDERSON, State Bar No. 182970
Supervising Deputy Attorney General
3 CHRISTOPHER J. BECKER, State Bar No. 230529
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 323-3903
6 Fax: (916) 324-5205
E-mail: Christopher.Becker@doj.ca.gov
7 *Attorneys for Defendants Adams, Dicks, Hubach,*
Jennings, Matthews, Payne, and Rickman

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12
13 **JOHN R. MARTINEZ,**

14 Plaintiff,

15 v.

16 **JAMES TILTON, et al.,**

17 Defendants.
18

1:10-CV-01501-SKO (PC)

**ORDER APPROVING STIPULATION
TO EXTEND THE DISCOVERY
AND DISPOSITIVE MOTION
DEADLINES TO MARCH 6, 2014**

(Doc. 51)

19 Under Federal Rules of Civil Procedure 6(b)(1)(A), 16(b)(4), and 26(d) and Local Rules
20 143 and 144, the parties, through their counsel of record, agree to extend the discovery deadline
21 for thirty days, up to and including December 26, 2013, for the limited purpose of completing the
22 depositions of the parties.

23 A scheduling order may be modified only upon a showing of good cause and by leave of
24 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975
25 F.2d 604, 609 (describing the factors a court should consider in ruling on such a motion). In
26 considering whether a party moving for a schedule modification has good cause, the Court
27 primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at
28 609 (citing Fed. R. Civ. P. 16 advisory committee's notes of 1983 amendment). "The district

1 court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the
2 party seeking the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983
3 amendment).

4 The discovery deadline in this case was extended to January 10, 2014, (ECF No. 49) for the
5 sole purpose of scheduling and taking Defendant Adams’s deposition and the dispositive motion
6 deadline is currently set for February 6, 2014 (ECF No. 25). Good cause exists to grant this
7 extension because the parties require more time to take the deposition of Defendant Adams and
8 Defendants will need additional time to draft and file a dispositive motion. The parties had
9 attempted to schedule Mr. Adams’s deposition for early January, but Defendants’ attorney, Diana
10 Esquivel became ill on January 1, 2013, and has been unable to return to work since that date. On
11 January 6, her condition required emergency care, and it is anticipated that she will be unable to
12 return to work for at least two more weeks. The undersigned, Supervising Deputy Attorney
13 General Christopher Becker, spoke with Plaintiff’s counsel on January 7, 2014, to explain Ms.
14 Esquivel’s situation and the parties agreed that they could schedule Mr. Adams’s deposition for
15 sometime in February when Ms. Esquivel returns. Additionally, in light of the aforementioned
16 delays, Defendants will need additional time to draft and file a dispositive motion. The parties
17 therefore request that the discovery deadline and the dispositive motion deadline be extended to
18 March 6, 2014.

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Dated: January 8, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
Monica N. Anderson
Supervising Deputy Attorney General

/s/ Christopher Becker

CHRISTOPHER J. BECKER
Supervising Deputy Attorney General
Attorneys for Defendants

Dated: January 8, 2014

WILLIAM L. SCHMIDT
ATTORNEY AT LAW, P.C.

/s/ William L. Schmidt

WILLIAM L. SCHMIDT
Attorneys for Plaintiff

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ORDER

Based on the parties' stipulation and good cause appearing, the discovery deadline, for the limited purpose of completing Defendant Adams's deposition, and dispositive motion deadline are extended to March 6, 2014.

IT IS SO ORDERED.

Dated: January 8, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE