

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

HENRY RAMIREZ, JR.

CASE NO. CV F 10-1596 LJO DLB

Plaintiff,

**ORDER DENYING REQUEST FOR
TRIAL CONTINUANCE**

vs.

DAIRY FARMERS OF AMERICA, INC.

Defendant.

On June 13, 2011, the parties filed their second stipulation to continue dates in this case. The parties propose to continue discovery deadlines, motion filing deadlines, the pretrial conference and the trial date. (Doc. 16.) The parties argue that good cause exists for the continuance because (1) they are scheduling a mediation in July 2011, (2) they seek to conserve resources while they pursue settlement, (3) the three-week trial is scheduled for Thanksgiving time which will complicate witness scheduling, and (4) two of plaintiff's witnesses have preplanned/prepaid vacations during the currently scheduled trial date.

The Court DENIES the request for continuance. The parties previously sought and obtained a continuance of pretrial discovery in this case to accommodate settlement discussions. Settlement attempts do not provide good cause. The Court does not find that the other reasons state good cause. The trial date was selected and scheduled with input from counsel. Therefore, there is no surprise or unforeseen circumstances arising from the trial date which was picked with the agreement of counsel.

1 Finally, witnesses who have prepaid vacations may give rise to good cause, but given that this trial will
2 last for three weeks, the Court is confident the parties could accommodate the witnesses' vacation
3 schedules.

4 IT IS SO ORDERED.

5 **Dated: June 13, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28