

1 On January 17, 2014, the Court extended the discovery deadline to February 28, 2014, and the
2 dispositive motion deadline to April 28, 2014. The deadlines were extended to resolve then-pending
3 discovery motions. (ECF No. 63.)

4 On April 22, 2014, the Court extended the dispositive motion deadline to June 27, 2014,
5 pending resolution of Defendants' motion for sanctions. (ECF No. 68.)

6 Thereafter, on April 28, 2014, Plaintiff filed a motion requesting an extension of time to submit
7 his discovery responses. (ECF No. 69.) Plaintiff filed a renewed motion for an extension of time on
8 May 12, 2014. (ECF No. 71.) On May 20, 2014, the Court directed Defendants to file a response to
9 Plaintiff's pending motions. (ECF No. 72.) Defendants filed a response on June 5, 2014. (ECF No.
10 73.) Shortly thereafter, on June 16, 2014, Defendants filed the instant motion to vacate the dispositive
11 motion deadline and, if necessary, reset it after resolution of the motion for sanctions. (ECF No. 74.)

12 **III. Discussion**

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

19 Defendants indicate that they are awaiting resolution of the pending motion for sanctions,
20 along with Plaintiff's requests for an extension of time to supplement his discovery responses before
21 proceeding with any motion for summary judgment. Defendants indicate that a summary judgment
22 motion may be unnecessary if the Court imposes dismissal sanctions.

23 Based on the pending motions, the Court finds that the dispositive motion deadline cannot be
24 met despite Defendants' apparent diligence and Defendants have established good cause to modify the
25 Discovery and Scheduling Order.

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IV. Conclusion and Order

Based on the above, Defendants' motion to modify the scheduling order is GRANTED. The dispositive motion deadline is VACATED. As necessary and appropriate, the Court will reset the dispositive motion deadline following resolution of the pending motions.

IT IS SO ORDERED.

Dated: June 27, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE