

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID LEE TURNER, JR.,

CASE NO. 1:11-cv-01366-AWI-SKO

Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE THE PARTIES'
STIPULATED REQUEST FOR A
SCHEDULE MODIFICATION**

v.

COUNTY OF KERN, et al.,

(Docket No. 36)

Defendants.

On April 29, 2013, the parties filed a stipulated request to modify the scheduling order. (Doc. 36.)¹ The parties seek a three-week extension of the expert discovery deadlines. (Doc. 36, ¶¶ 7-9.) Continuing the expert discovery deadline to June 13, 2013, however, conflicts with the deadlines to file (May 28, 2013) and hear (June 26, 2013) any non-dispositive motions and thus impacts all subsequent deadlines including the September 25, 2013, pre-trial conference date and the November 26, 2013, trial date. Thus, the schedule modification proposed by the parties cannot be granted in its present form.

///

¹ The Court notes this is the third modification to the schedule the parties have requested, and the trial has been continued twice. (See Docs. 31, 35.)

1 However, if the parties wish to waive their right to file non-dispositive motions or elect to
2 stipulate to a shortened notice and briefing schedule related to **non-dispositive** motions to allow non-
3 dispositive motions to be heard prior to July 1, 2013, the schedule *may* be conducive to the
4 modifications sought by the parties.

5 Accordingly, IT IS HEREBY ORDERED that the parties' stipulated request to modify the
6 schedule is DENIED without prejudice.

7
8 IT IS SO ORDERED.

9 **Dated:** April 29, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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