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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 U.S. EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION,

13 Plaintiff,

14 v.

15 HOSPITAL HOUSEKEEPING
16 SYSTEMS, INC., et al.,

17 Defendants.

Case No. 1:11-cv-01658-LJO-SAB

ORDER TO DENY EXTENSION OF DATES

18 The parties have filed a stipulation seeking extension of discovery and dispositive motions
19 deadlines. The parties propose new deadlines for completing discovery (March 25, 2013), filing
20 dispositive motions (April 11, 2013) and hearing dispositive motions (May 28, 2013). This is the
21 parties' second request for a stipulated extension. Their first stipulated extension request was
22 granted on November 1, 2012. (ECF No. 19.) While the stipulation mentions that the reason for
23 an extension is to discuss settlement, there are insufficient facts that demonstrate why they cannot
24 simultaneously conduct settlement discussions and conduct discovery while still meeting the
25 previously imposed deadlines.¹ Further, the new stipulation does not take into account the
26 previously set pretrial conference date of May 21, 2013 and the set trial date of July 9, 2013.

27 ¹ The previously granted stipulation cited settlement discussions as one of the reasons for the extension of the
28 deadlines.

1 The district judge's burdensome caseload of 1,300 cases prevents it from scheduling
2 matters at the parties' request, especially after being given a prior extension. Scheduling orders
3 are vital to this Court's case management. Scheduling orders "are the heart of case management,"
4 Koplve v. Ford Motor Co., 795 F.2d 15, 18 (3rd Cir. 1986), and are intended to alleviate case
5 management problems. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 610 (9th Cir.
6 1992). A "scheduling conference order is not a frivolous piece of paper, idly entered, which can
7 be cavalierly disregarded without peril." Johnson, 975 F.2d at 610. The Court will not grant a
8 second extension in the absence of a detailed showing of good cause and an accounting for both
9 the pretrial conference date and actual trial. Absent consent before a United States Magistrate
10 Judge and due to the district judge's caseload and trial schedule, the district judge is prepared to
11 proceed on July 9, 2013 with the trial.²

12 Given the absence of necessary detail to support the parties' proposed dates, it is
13 HEREBY ORDERED that the parties' request to extend the discovery and dispositive motion
14 deadlines is DENIED without prejudice. This Court will entertain a further stipulation which
15 properly addresses the issues raised above and which delineates the dates for discovery deadlines,
16 dispositive motions, pretrial conferences and the trial date.

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19 IT IS SO ORDERED.

20 Dated: February 6, 2013

/s/ Stanley A. Boone
UNITED STATES MAGISTRATE JUDGE

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28 ² However, because of constitutional considerations, criminal jury trials take priority over civil trials. If a criminal trial were to conflict with the civil trial, the civil trial will trail until completion of the criminal trial.