

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**

| | | |
|-----------------------------------|---|-------------------------------------|
| RICHARD NUWINTORE, |) | Case No.: 1:13-cv-00967 - AWI - JLT |
| |) | |
| Plaintiff, |) | ORDER DENYING STIPULATION TO AMEND |
| |) | THE CASE SCHEDULE |
| v. |) | |
| |) | (Doc. 132) |
| UNITED STATES OF AMERICA, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

On February 16, 2018, the Court approved the stipulation to set this matter for a settlement conference and to amend the case schedule to allow the parties to defer expert discovery until after the conference. (Doc. 128) The parties have now filed another stipulation seeking to modify the same deadlines that the Court modified at their request in February. (Doc. 127) The stipulation does not explain why the deadlines they proposed in February are no longer unworkable or, even, why they thought so at the time. Id. Indeed, the reason for the amendment remains the same as that offered by the parties in February. (Doc. 127; Doc. 132) Finally, after reviewing the settlement conference statements, it was apparent to the Court that the case was not in a settlement posture, so it is difficult to understand why counsel would have not appreciated that they needed to be prepared to move forward. In fact, the lateness of the stipulation implies an understanding that settlement was unlikely to occur.

///
///

1 For these reasons, the stipulation to once again amend the case schedule is **DENIED**.
2 However, given the failed settlement conference, the Court will permit a short extension of time for
3 the plaintiff to disclose his experts. This **SHALL** occur no later than **March 13, 2018**. No other
4 amendments to the case schedule are authorized.

5
6 IT IS SO ORDERED.

7 Dated: March 6, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE