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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH USUNUBU ALUYA,,
Plaintiff,
v.
MANAGEMENT & TRAINING
CORPORATION, AND JOHN DOES 1 – 9,
Defendants.

CASE NO. 1:13-CV-01345 AWI-JLT
ORDER DENYING STIPULATION TO
AMEND CASE SCHEDULE
(Doc. 48)

Before the Court is a stipulation to amend the scheduling order that is focused on extending time to complete expert discovery. (Doc. 48 at 2) In the stipulation, counsel report that, without obtaining the Court’s authorization, they agreed to delay the disclosure of experts and rebuttal experts one week each. Id. This occurred despite that the Court had previously authorized an extension of time related to expert discovery. (Doc. 42)

Given their agreement to delay disclosure, the parties have insufficient time to complete expert discovery by the deadline—today.¹ (Doc. 48) Other than setting forth this situation, counsel make no other showing that good cause exists to modify the case schedule.

Notably, courts are vested with the authority to “modify the timing of disclosures.” Fed. R.

¹ Counsel had to have been aware when they agreed to delay the disclosures that they would have little time to complete depositions once the disclosures occurred.

1 Civ. P. 16(d). Once entered by a court, a scheduling order “controls the course of the action unless
2 the court modifies it.” Id. Scheduling orders are “not a frivolous piece of paper, idly entered,
3 which can be cavalierly disregarded by counsel without peril.” Johnson v. Mammoth Recreations,
4 Inc., 975 F.2d 604, 610 (9th Cir. 1992) (quoting Gestetner Corp. v. Case Equip. Co., 108 F.R.D.
5 138, 141 (D. Maine 1985)). Moreover, good cause must be shown for modification of the
6 scheduling order. Fed. R. Civ. P. 16(b)(4); Johnson, 975 F.2d at 609.

7 Because counsel have failed to demonstrate good cause to justify amendment of the case
8 schedule, the stipulation is **DENIED**.² Johnson, 975 F.2d at 609.

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10 IT IS SO ORDERED.

11 Dated: March 27, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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² The request to modify the case schedule to allow dispositive motions to be filed on May 4, 2015 is **MOOT**. May 4, 2015 is the current deadline. (Doc. 48 at 2)