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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM
Plaintiff,
v.
STROME, et al.,
Defendants.

Case No. 1:13-cv-01779-DAD-DLB PC
ORDER REGARDING DEFENDANT
STROME'S MOTION TO MODIFY
DISCOVERY AND SCHEUDLING ORDER
(Document 77)

Plaintiff Bryan E. Ransom is a prisoner proceeding pro se and in forma pauperis in this civil rights action.

The Court issued a Discovery and Scheduling Order on November 10, 2015.

Defendants Clark, Dougherty, Faldon, Gill, Hayward, Herrera, Kaiser, McCabe, Molina, Quillen, Riley, Rocha, Rouch, Sao, and Torres filed a motion for partial summary judgment on April 8, 2016. The motion is pending.

On May 4, 2016, the Court granted Defendants' motion to vacate the dates in the Discovery and Scheduling Order and stay discovery until resolution of the pending motion for partial summary judgment. The dates were not vacated as to Defendant Strome because, at that time, she was not a party to the motion.

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1 On May 6, 2016, Defendant Strome joined in the pending motion for partial summary
2 judgment.

3 Defendant Strome requested that the Court stay discovery on May 20, 2016. The Court
4 deems the matter suitable for decision without further briefing. Local Rule 230(1).

5 **DISCUSSION**

6 Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Civ.
7 P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of
8 the party seeking the extension.’” *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087
9 (9th Cir. 2002) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)).
10 “Although the existence or degree of prejudice to the party opposing the modification might supply
11 additional reasons to deny a motion, the focus of the inquiry is upon the moving party’s reasons for
12 seeking the modification.” *Johnson*, 975 F.2d at 609. “If the party seeking the modification ‘was
13 not diligent, the inquiry should end’ and the motion to modify should not be granted.” *Zivkovic*, 302
14 F.3d at 1087 (quoting *Johnson*, 975 F.2d at 609).

15 Defendant Strome has now joined in the pending motion for partial summary judgment, and
16 the Court finds good cause to vacate the dates applicable to her in the April 11, 2016, order. As the
17 Court noted in the May 4, 2016, order, if the partial motion for summary judgment is granted, it will
18 greatly narrow the claims remaining in this action and avoid a large amount of potentially
19 unnecessary discovery. A stay at this time will not severely prejudice Plaintiff.¹

20 Accordingly, Defendant Strome’s motion is GRANTED. The Court VACATES the dates in
21 the April 11, 2016, order modifying the Discovery and Scheduling Order. Once the Court rules on
22 the pending motion for partial summary judgment, it will issue an amended scheduling order
23 allowing additional time for discovery related to the remaining claims.
24 IT IS SO ORDERED.

25 Dated: May 24, 2016

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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28 ¹ In the November 10, 2015, Discovery and Scheduling Order, the Court explained that if the parties believe that
discovery related to exhaustion is necessary, they may request such discovery pursuant to Rule 56(d) within thirty days
of the date of service of any motion for summary judgment related to exhaustion.