



1 reassigned several additional matters due to the death of one deputy attorney general  
2 and the retirement of another. One of these matters was set to begin trial July 11, 2016.  
3 These reassignments prevented counsel from timely filing a motion for summary  
4 judgment in this action.

5 Plaintiff opposes the motion. (ECF No. 26.) Plaintiff states that defense counsel  
6 informed Plaintiff at the close of Plaintiff's deposition that Plaintiff would receive a  
7 "response report" of the deposition and that the parties thereafter would "join discovery  
8 plans." Plaintiff received no further follow up from defense counsel, the discovery  
9 deadline expired, and the deadline for "joining discovery" also passed. He states that he  
10 seeks to introduce competent evidence and therefore asks that Defendant's motion be  
11 denied or that he be permitted to conduct discovery to prepare an opposition.

12 Defendant has presented good cause for an extension of time. Plaintiff's  
13 opposition presents no grounds for denying an extension of time. The motion will be  
14 granted.

15 The Court is unable to discern from Plaintiff's filing the nature of the parties'  
16 discovery dispute. To the extent Plaintiff seeks an extension of the discovery deadline,  
17 he may file a motion seeking same. Such a motion must be supported by a showing of  
18 good cause and that Plaintiff has pursued discovery with diligence. Fed. R. Civ. P.  
19 16(b)(4); Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir.1992). If  
20 and when Defendant files a motion for summary judgment, Plaintiff may move to have  
21 the Court defer consideration of such motion until Plaintiff has had an opportunity to  
22 pursue discovery. Fed. R. Civ. P. 56(d). However, Plaintiff bears the burden of  
23 specifically identifying the relevant information he seeks, demonstrating that the  
24 evidence sought actually exists, and explaining how or why it would prevent summary  
25 judgment. Blough v. Holland Realty, Inc., 574 F.3d 1084, 1091 n.5 (9th Cir. 2009)  
26 (citation omitted); Getz v. Boeing Co., 654 F.3d 852, 867-68 (9th Cir. 2011); Tatum v.  
27 City and County of San Francisco, 441 F.3d 1090, 1100-01 (9th Cir. 2006). Such a  
28 request is premature at this stage of the proceedings, given that Defendant has yet to

1 file a motion for summary judgment and Plaintiff therefore cannot know what evidence  
2 may be necessary to defeat it.

3 Based on the foregoing, Defendant's motion to modify the discovery and  
4 scheduling order is HEREBY GRANTED. (ECF No. 25.) The deadline for filing  
5 dispositive motions is extended to and including August 9, 2016.

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7 IT IS SO ORDERED.

8 Dated: July 12, 2016

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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