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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 ESTHER S. LONG and RONALD LONG,

12 Plaintiffs,

13 v.

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15 THE HOME DEPOT, U.S.A., INC.; CLOPAY
16 BUILDING PRODUCTS COMPANY, INC.;
17 CLOPAY; CLOPAY GARAGE DOORS and
DOES 1 through 50, inclusive,

18 Defendant

Case No. 1:14-cv-01737-DAD-JLT

ORDER GRANTING IN PART EX PARTE
APPLICATION TO MODIFY THE CASE
SCHEDULING ORDER
(Doc. 35)

ORDER TO PLAINTIFFS AND THEIR
COUNSEL OF RECORD TO SHOW CAUSE
WHY SANCTIONS SHOULD NOT BE
IMPOSED FOR THEIR FAILURE TO
COMPLY WITH A COURT ORDER

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21 Clopay reports that at some point after the Court issued the case schedule, Ms. Long reported
22 additional injuries she claims resulted from the incident that gave rise to the complaint. (Doc. 36 at 2)
23 Clopay does not report what efforts it undertook to discover these new injuries once it learned of them
24 and reports only that discovery efforts have been “difficult” because Ms. Long has not been
25 forthcoming. Id.

26 Defendant fails to set forth what discovery it needs to conduct—other than subpoenaing
27 documents and possibly seeking an IME—or why it believes it needs four extra months of discovery
28

1 time to conduct this discovery.¹ (Doc. 36 at 2)

2 Because Clopay has failed to demonstrate good cause to amend the case schedule, the Court will
3 permit only a very limited extension of discovery time.

4 On the other hand, on June 7, 2016, the Court ordered Plaintiffs to file a response to the request
5 for the amendment to the case schedule within five days. (Doc. 37) Plaintiffs and their counsel
6 completely ignored the Court's order and have not responded in any fashion. Thus, the Court

7 **ORDERS:**

8 1. The request to modify the case schedule (Doc. 35) is **GRANTED IN PART**. All non-
9 expert discovery **SHALL** be completed **no later than August 12, 2016;**

10 2. **Within 7 days,** Plaintiffs and their counsel, John Bell, **SHALL** show cause in writing
11 why sanctions, up to and including terminating sanctions, should not be imposed for their failure to
12 comply with the Court's order.

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14 IT IS SO ORDERED.

15 Dated: **June 15, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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¹ The Court is aware that counsel has very recently taken over defense of this case. However, this is not grounds for a modification of the case schedule. Defendant should have considered the minimal discovery time when decided to change counsel so late in this case.