

1 *Farnan v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 984 (9th Cir.2011). If the party seeking
2 to amend the scheduling order fails to show due diligence, the inquiry should end and the court
3 should not grant the motion to modify. *Zivkovic v. Southern California Edison, Co.*, 302 F.3d
4 1080, 1087 (9th Cir. 2002).

5 The parties here have exercised due diligence. Defendant also provides an adequate
6 reason for seeking the extension of pending deadlines to conserve resources until the motion for
7 judgment on the pleadings is resolved. The Court also notes that the notice of related cases, filed
8 in this action by the plaintiff in *Rico v. Beard, et al.*, Case No. 2:17-cv-01402-CKD, awaits a
9 ruling by District Judge Kimberly J. Mueller. (See Docs. 41, 43.) Defendant's pending motion,
10 as well as possible relation to other cases satisfy Rule 16(b)'s good cause standard to amend the
11 D&S Order.

12 **III. Order**

13 Accordingly, it is HEREBY ORDERED that:

- 14 (1) Defendant's ex parte application to continue the pending deadlines in this
15 action, filed on December 6, 2017 (Doc. 47), is GRANTED and the
16 Discovery and Scheduling Order is AMENDED as follows:
- 17 a. the deadline for completion of all discovery, including filing motions to
18 compel is continued to June 26, 2018;
 - 19 b. the deadline for filing pre-trial dispositive motions is continued to
20 September 5, 2018; and
- 21 (2) other than the above modification of deadlines, all requirements of the April
22 26, 2017, Discovery and Scheduling Order (Doc. 28) remain in effect.

23 IT IS SO ORDERED.

24 Dated: December 18, 2017

25 /s/ Sheila K. Olerto
26 UNITED STATES MAGISTRATE JUDGE