

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DHILLON SINGH, et al.,)	Case No.: 1:15-cv-01435 LJO JLT
)	
Plaintiffs,)	ORDER DISCHARGING ORDERT TO SHOW
)	CAUSE
v.)	
)	
HANCOCK NATURAL RESOURCES)	ORDER DENYING REQUEST TO CONTINUE
GROUP, INC., et al.,)	MOTION TO COMPEL
)	
Defendants.)	

In response to the Court’s order to show cause issued to the plaintiffs for their failure to appear at the mid-discovery status conference, plaintiffs have retained new counsel and state an unawareness that they or their counsel were required to be present at the hearing. (Doc. 58 at 3-4) The Court finds this to be a reasonable explanation.

On the other hand, in the response to the order to show cause, new counsel also seeks a continuance of the motion to compel that was set to be heard on November 30, 2016 but was continued by the Court to December 20, 2016. (Doc. 51) Counsel requests the motion be re-set again to February 1. (Doc. 58 at 4) Counsel cites only “scheduling conflicts” in support for this need. *Id.*

Notably, this case was scheduled four months ago and there are only two months of discovery time remaining. (Doc. 35) The Court is confident that the plaintiffs’ new counsel was aware of this schedule when he agreed to take on this representation and must have felt that he could accomplish completing discovery within these deadlines or, of course, ethically, he would have been prohibited

1 from taking on this case. In any event, continuing the motion to dismiss until five days before the
2 discovery deadline is not workable. Moreover, the plaintiffs have already stated their opposition to
3 the motion, given their counsel's participation in the preparation of the joint statement filed in
4 connection with the motion.

5 **ORDER**

6 Based upon the foregoing, the Court **ORDERS**:

- 7 1. The order to show cause issued to the plaintiffs is **DISCHARGED**;
8 2. The request to continue the hearing on the motion to dismiss is **DENIED**.

9
10 IT IS SO ORDERED.

11 Dated: December 1, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE