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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 1:15-cv-01900-AWI-SKO

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO EXTEND
CERTAIN DEADLINES IN THE MAY 18,
2016 SCHEDULING ORDER**

v.

(Doc. 30)

GIBSON WINE COMPANY,

Defendant.

I. INTRODUCTION

On December 19, 2015, Plaintiff United States of America (“Plaintiff”) filed this action against Defendant Gibson Wine Company (“Defendant”) for violations of Section 112(r) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(1), Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act (“EPCRA”), 42 U.S.C. § 11004. On August 30, 2016, Plaintiff filed a “Motion to Extend Certain Deadlines in the May 18, 2016, Scheduling Order.” (Doc. 30.) The motion indicates that Defendant does not object to the relief requested (*see* Doc. 30, 2:6-7; Doc. 30-2, Declaration of Cheryl Luke (“Luke Decl.”), ¶ 7 and Ex. 2), and therefore the motion is deemed unopposed. After having reviewed the

1 papers and supporting material, the matter is deemed suitable for decision without oral argument
2 pursuant to Local Rule 230(g), and the Court hereby VACATES the hearing set for September 28,
3 2016.

4 For the following reasons, Plaintiff's unopposed "Motion to Extend Certain Deadlines in
5 the May 18, 2016, Scheduling Order" is hereby GRANTED.

6 II. DISCUSSION

7 The parties participated in a scheduling conference with the Court on May 17, 2016. (Doc.
8 26.) At that conference, the Court instructed Plaintiff to review documents produced in a related
9 state court proceeding before seeking additional discovery in this case. The Court issued a
10 Scheduling Order on May 18, 2016 (Doc. 27), which adopted the parties' proposed dates set forth
11 in their Joint Scheduling Report filed May 12, 2016. (Doc. 24.)

12 Defendant produced the state court documents on May 16, 2016. (Doc. 30-1, 2:3-4; Luke
13 Decl. ¶ 3.) Plaintiff indicates that it has "completed an initial review of the [] documents and has
14 determined that additional discovery, beyond that undertaken in the state court litigation, is needed
15 to more fully understand the circumstances surrounding the allegations in the existing complaint."
16 (Doc. 30-1, 2:4-8; Luke Decl. ¶ 4.) To that end, Plaintiff seeks an extension of deadlines set forth
17 in the Court's Scheduling Order.

18 The Scheduling Order "may be modified only for good cause and with the judge's
19 consent." Fed. R. Civ. P. 16(b)(4). Here, the Court instructed Plaintiff to review the state court
20 documents before seeking additional discovery. Plaintiff has now done so and states its good faith
21 belief that additional information is necessitated, in part to support a potential amendment of the
22 complaint. (Doc. 30-1, 2:19-22; Luke Decl. ¶ 6.) Accordingly, the Court finds that Plaintiff has
23 demonstrated good cause to support modifying the Scheduling Order and, in the absence of any
24 actual prejudice to Defendant (as evidenced by its lack of opposition to the motion), Plaintiff's
25 motion shall be granted.

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1 **III. ORDER**

2 Based on the foregoing, it is HEREBY ORDERED that:

3 1. Plaintiff's unopposed "Motion to Extend Certain Deadlines in the May 18, 2016,
4 Scheduling Order" (Doc. 30) is GRANTED;

5 2. The Scheduling Order (Doc. 27) is MODIFIED as follows:

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7 EVENT	CURRENT DATE	NEW DATE
8 Deadline for motions or stipulations 9 requesting leave to amend the 10 pleadings	September 30, 2016	November 25, 2016
11 Non-expert discovery deadline	January 13, 2017	March 10, 2017
12 Expert disclosures	February 17, 2017	April 14, 2017
13 Rebuttal expert disclosures	March 17, 2017	May 12, 2017
14 Expert discovery deadline	May 5, 2017	June 16, 2017
15 Non-dispositive motion filing 16 deadline	May 12, 2017	June 23, 2017
17 Non-dispositive motion hearing 18 deadline	June 16, 2017	July 26, 2017 ¹
19 Dispositive motion filing deadline	June 23, 2017	July 25, 2017 ²
20 Dispositive motion hearing deadline	August 14, 2017	September 5, 2017 ³
21 Settlement Conference	November 4, 2016	January 13, 2017 at 11:00 a.m. in Courtroom 6 before United States Magistrate Judge Michael J. Seng
22 Final Pretrial Conference	October 13, 2017	November 1, 2017 at 10:00 a.m.
23 Trial	December 5, 2017	December 12, 2017 at 8:30 a.m. ⁴

24 IT IS SO ORDERED.

25 ¹ Plaintiff requested July 21, 2017, as the hearing date for non-dispositive motions, but since Judge Oberto's law and motion calendar is set on Wednesdays, the date has been adjusted to the following Wednesday.

26 ² Plaintiff requested July 28, 2017, as the filing deadline for dispositive motions. To allow the Court adequate time to rule on dispositive motions in advance of the pretrial conference, the date has been advanced three days to accommodate the adjusted hearing date (see below).

27 ³ Plaintiff requested September 11, 2017, as the hearing date for dispositive motions. To allow the Court adequate time to rule on dispositive motions in advance of the pretrial conference, the date has been advanced six days.

28 ⁴ To permit the parties sufficient time to prepare their pretrial submissions and to prepare for trial, the Pretrial Conference and Trial dates have been continued.

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Dated: September 1, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE