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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ELI LILLY AND COMPANY,  
  
Plaintiff,  
  
v.  
  
JOHN DEREK GITMED, et al.,  
  
Defendants.

Case No. 1:16 -cv-00178-DAD-SAB  
  
ORDER DENYING DEFENDANT’S  
MOTION TO AMEND THE SCHEDULING  
ORDER; SETTING MANDATORY  
SCHEDULING CONFERENCE FOR  
OCTOBER 17, 2017; AND REQUIRING  
DEFENDANT GITMED TO FILE AN  
ANSWER TO THE COMPLAINT  
  
FORTY-FIVE DAY DEADLINE

On July 14, 2017, Plaintiff Eli Lilly and Company filed a motion to amend the scheduling order in this action. The Court notes on May 4, 2017, the District Judge issued an order denying Defendant Gitmed’s motion to dismiss and his answer to the complaint was due within fourteen days of the May 4, 2017. Fed. R. Civ. P. 12(a)(4)(A). Defendant Gitmed has not filed a responsive pleading, however, Plaintiff’s motion indicates that the parties are pursuing settlement discussion in this matter.

As Defendant Gitmed has yet to file an answer to the complaint, the Court finds that the current scheduling order should be vacated. The Court will set a date for a mandatory scheduling conference in the event that the parties are unable to settle this matter. The Court shall therefore deny Plaintiff’s motion and require Defendant Gitmed to respond to the complaint. The Court will extend the time for Defendant Gitmed to file an answer to allow the

1 parties to further attempt to settle this action.

2 Based on the foregoing, IT IS HEREBY ORDERED that:

- 3 1. Defendant Gitmed shall file an answer to the complaint or other responsive  
4 pleading within forty-five (45) days of the date of service of this order;
- 5 2. Plaintiff's motion to amend the scheduling order is DENIED;
- 6 3. The scheduling order issued March 22, 2017 is VACATED;
- 7 4. A mandatory scheduling conference is set for October 17, 2017, at 3:30 p.m. in  
8 Courtroom 9;
- 9 5. The parties are required to file a joint scheduling report one week prior to the  
10 scheduled conference date; and
- 11 6. Plaintiff's counsel is directed to contact the litigation coordinator at the prison in  
12 which Defendant Gitmed is confined to facilitate Defendant's telephonic  
13 appearance at the scheduling conference.

14 IT IS SO ORDERED.

15 Dated: July 18, 2017

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18 UNITED STATES MAGISTRATE JUDGE  
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