



1 Prior to the expiration of the discovery deadlines, Defendants filed a motion to extend the  
2 discovery deadline on April 13, 2017. (ECF No. 40.) On April 17, 2017, the Court granted  
3 Defendant's motion and extended the discovery deadline to May 8, 2017. (ECF No. 41.) Plaintiff  
4 thereafter sought an additional extension of time to provide responses to Defendant's discovery  
5 requests on April 17, 2017. (ECF No. 42.) The Court granted Plaintiff's requests and extended the  
6 discovery deadline to June 14, 2017. (ECF No. 43.)

7 On August 23, 2017, Plaintiff filed a motion to compel, and Defendant filed an opposition on  
8 August 30, 2017. On September 13, 2017, the Court denied Plaintiff's motion to compel but extended  
9 the discovery and dispositive motion deadlines for the limited purpose of Defendant to respond to  
10 Plaintiff's first set of interrogatories and first set of production of documents within forty-five days of  
11 the order. (ECF No. 74.)

12 On October 30, 2017, the Court granted Defendant's request for an extension of time to  
13 November 3, 2017, to serve a response to Plaintiff's discovery requests. (ECF No. 79.) Defendant  
14 timely responded to all of Plaintiff's discovery requests. (ECF No. 81.)

15 Under Rule 16 of the Federal Rules of Civil Procedure, a discovery and scheduling order  
16 controls the course of litigation unless the Court subsequently alters the original order. Fed R. Civ. P.  
17 16(d). Modification of a scheduling order requires a showing of good cause, Fed. R. Civ. P. 16(b),  
18 and good cause requires a showing of due diligence, Johnson v. Mammoth Recreations, Inc., 975 F.2d  
19 604, 609 (9th Cir. 1992). To establish good cause, the party seeking the modification of a scheduling  
20 order must generally show that even with the exercise of due diligence, they cannot meet the  
21 requirement of that order. Id. The court may also consider the prejudice to the party opposing the  
22 modification. Id. If the party seeking to amend the scheduling order fails to show due diligence the  
23 inquiry should end and the court should not grant the motion to modify. Zivkovic v. Southern  
24 California Edison, Co., 302 F.3d 1080, 1087 (9th Cir. 2002). A party may obtain relief from the  
25 court's deadline date for discovery by demonstrating good cause for allowing further discovery. Fed.  
26 R. Civ. P. 16(b)(4).

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1 “Good cause may be found to exist where the moving party shows that it diligently assisted  
2 the court with creating a workable scheduling order, that it is unable to comply with the scheduling  
3 order’s deadlines due to matters that could not have reasonably been foreseen at the time of the issuance  
4 of the scheduling order, and that it was diligent in seeking an amendment once it became apparent that  
5 the party could not comply with the scheduling order.” Kuschner Nationwide Credit, Inc., 256 F.R.D.  
6 684, 687 (E.D. Cal. 2009).

7 Plaintiff fails to demonstrate good cause to extend the discovery deadline for the purpose of  
8 filing a motion to compel. As stated, the discovery deadline expired on June 14, 2017, and despite  
9 such deadline, the Court directed Defendants to file a response to Plaintiff’s first set of interrogatories  
10 and first set of production of documents, which has been done. Plaintiff has not explained how any of  
11 Defendant’s responses were improper or insufficient and has not demonstrated that he was diligent in  
12 conducting discovery. Plaintiff’s mere statement that the responses to his interrogatories were vague  
13 and ambiguous or that production of certain documents are exculpatory evidence in support of his  
14 case, fails to demonstrate good cause for an extension of the discovery deadline. Plaintiff cannot  
15 simply file a motion to compel because he does not like the responses provided by Defendant.  
16 Accordingly, Plaintiff’s motion for an extension of the discovery deadline is denied.

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18 IT IS SO ORDERED.

19 Dated: December 21, 2017



UNITED STATES MAGISTRATE JUDGE