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

LEONARD GREEN, et al.,

 Plaintiffs,

 v.

BAKERSFIELD MEMORIAL HOSPITAL, et
al.,

 Defendants.

Case No.: 1:16-CV-00450-LJO-JLT

**ORDER DENYING EX PARTE REQUEST TO
AMEND THE CASE SCHEDULE
(Doc. 26)**

On February 14, 2107, the Court denied the stipulation of counsel to amend the case schedule. (Doc. 25) The basis for the order was the absolute lack of diligence shown toward completing even a modicum of discovery within the deadlines set. *Id.* Now, a month after that order, the plaintiffs have filed an ex parte request to amend the case schedule. (Doc. 24) In doing so, they blame their failure to conduct discovery on the defendants. They assert that the defendants lead them to believe the case would settle and it didn't. They assert the defendants sought extensions on discovery response deadlines and delayed beyond the extensions in responding. They assert that the defendants failed to provide dates for depositions. What is strikingly absent from the ex parte request is *any* explanation why plaintiff allowed any of these tactics.

Notably, they alone chose whether to grant extensions of time. They alone chose to forego discovery on the chance the case would settle. They alone chose not to set depositions despite that they

1 need not obtain the approval of opposing counsel before doing so. And, most important, they alone
2 chose to forgo the assistance of the Court in obtaining compliance with discovery efforts (See Doc. 18 at
3 3).¹ The Court has little sympathy for this lack of diligence toward the obligations of discovery and, as
4 set forth in its previous order denying the requested amendment to the case schedule, this conduct falls
5 well-short of that required to amend the case scheduled. Jackson v. Laureate, Inc., 186 F.R.D. 605, 608
6 (E.D. Cal. 1999); see Marcum v. Zimmer, 163 F.R.D. 250, 254 (S.D. W.Va. 1995).

7 The Court *does* sympathize with the plaintiffs who, unfortunately, will bear the brunt of their
8 attorney's decisions to allow them to not obtain the discovery they need. However, the Court is
9 obligated—as is their counsel—to the dictates of the law. Therefore, the ex parte request to amend the
10 case schedule is **DENIED**.

11
12 IT IS SO ORDERED.

13 Dated: March 19, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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¹¹ In making these observations, the Court **DOES NOT CONDONE** the defendants' conduct if it was as described
in the plaintiffs' papers. However, their conduct is not yet before the Court.