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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

LINDE, LLC,

Plaintiff,

v.

VALLEY PROTEIN, LLC, et al.,

Defendants.

1:16-cv-00527-DAD-EPG

ORDER REJECTING STIPULATION TO EXTEND THE DISPOSITIVE MOTION DEADLINE, AND SETTING STATUS CONFERENCE

(ECF No. 39.)

On December 8, 2017, the parties filed a stipulation proposing to extend the dispositive motion deadline from February 2, 2018 to April 6, 2018. (ECF No. 39.) The parties state that they seek this extension because counsel for defendant, Russell K. Ryan, Esq., may be unable to prepare for or attend the depositions of Defendant's person most knowledgeable and Plaintiff's person most knowledgeable now set for December 12 through December 14, 2017. The parties also state that they are continuing to explore settlement, and have agreed to continue the depositions until mutually agreeable dates in January 2018. The parties contend that the proposed extension will not in any way affect the other dates set by this Court.

The Court believes that this extension will affect the pretrial conference and trial dates currently set in this action. (ECF No. 38.) A dispositive motion cut-off of April 6, 2018 will not allow sufficient time for a pretrial conference of June 4, 2018 or trial on August 7, 2018. The Court is also concerned in light of the previous extension granted in this case, which already extended trial date at the parties' request. (ECF No. 38)

The therefore schedules a status conference to discuss extension to ensure the case is moving forward efficiently and that any changes to the trial date are justified and final.

Based on the foregoing, it is HEREBY ORDERED that:

- 1. The stipulation and proposed order filed on December 8, 2017 is REJECTED and shall have no force and effect on the current schedule;
- 2. The Court hereby sets a telephonic status conference for Tuesday, January 23, 2018 at 10:00 a.m. in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. To appear telephonically, the parties are directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453. The Court will address the proposed modification of the dispositive motion deadline at that time.
- 3. The Court will permit the parties to conduct depositions outside of the non-expert discovery deadline as proposed in the parties' stipulation.

IT IS SO ORDERED.

Dated: December 11, 2017

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