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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ROBERT PALMER,

Plaintiff,

v.

**CALIFORNIA HIGHWAY PATROL
OFFICER IOSEFA; et al.,**

Defendants.

1:16-cv-00787 SKO

**ORDER ON JOINT STIPULATION FOR
CONTINUANCE OF CERTAIN
SCHEDULED DATES**

Pursuant to the Court's order entered October 2, 2017, fact discovery was to be completed by November 29, 2017, and experts were to be disclosed by December 11, 2017. (See Doc. 51.) The parties filed their "Joint Stipulation for Continuance of Certain Dates" (the "Stipulation") on December 13, 2017—after these deadlines had passed. (See Doc. 53.)

Although the Court may extend time for discovery after the deadline has expired because of "excusable neglect," Fed. R. Civ. P. 6(b)(1)(B), no such excusable neglect has been articulated—much less shown—here. Notwithstanding this deficiency, and given the absence of bad faith or prejudice to Plaintiff (as evidenced by the parties' agreement to the extension of time), and in view of the liberal construction of Fed. R. Civ. 6(b)(1) to effectuate the general

1 purpose of seeing that cases are tried on the merits, see *Ahanchian v. Xenon Pictures, Inc.*, 624
2 F.3d 1253, 1258–59 (9th Cir. 2010), the Court will adopt the Stipulation in part, with
3 modifications indicated below. **The parties are cautioned that future post hoc request for**
4 **extensions of time will be viewed with disfavor.**

5 In addition, the Court notes that some of the deadlines represented as “current” in the
6 Stipulation are not the same as those deadlines set by the Court in its October 2, 2017, order.
7 (Compare Doc. 53 with Doc. 51.) **The Court admonishes the parties to carefully review all**
8 **prior orders of the Court before seeking further judicial action.**

9 Having reviewed the Stipulation, and good cause appearing, the Court hereby GRANTS
10 the Stipulation IN PART, and modifies its October 2, 2017, order as follows:

	<u>Current Date</u>	<u>New Date</u>	
11			
12	Fact Discovery Cut-off	11/29/17	1/31/18
13	Expert Disclosures	12/11/17	2/16/18
14	Suppl. Expert Disclosures	12/29/17	3/2/18
15	Expert Discovery Cut-off	1/26/18	4/16/18
16	Non-Dispositive Mtn. Filing	1/26/18	4/25/18
17	Non-Dispositive Mtn. Hearing	2/28/18	5/23/18
18	Dispositive Mtn. Filing	2/21/18	5/9/18
19	Dispositive Mtn. Hearing	4/4/18	6/20/18
20	Settlement Conference	4/12/18	8/3/18 at 10:30 a.m. in 21 Courtroom 10 before U.S. 22 Magistrate Judge Erica P. Grosjean
23	Pre-Trial Conference	5/30/18	8/29/18
24	Trial	7/31/18	10/30/18

25 IT IS SO ORDERED.

26
27 Dated: December 19, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE