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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

AGNES XIE,

Plaintiff,

v.

DE YOUNG PROPOERTIES, 5418 L.P.,

Defendant.

Case No. 1:16-cv-01518-DAD-SKO

**ORDER GRANTING PLAINTIFF’S  
MOTION FOR AN EXTENSION OF TIME  
TO COMPLETE NON-EXPERT  
DISCOVERY AND RULING ON  
DISCOVERY ISSUES**

**(Doc. 53)**

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**ORDER**

On April 19, 2018, the parties appeared telephonically for a conference to resolve Plaintiff’s “First Motion for Extension of Time for [sic] Complete Non-Expert Discovery” (Doc. 53) (the “Motion”) and other discovery issues. Plaintiff Agnes Xie appeared on her own behalf, and Jared Marshall, Esq., appeared on behalf of Defendant De Young Properties, 5418 L.P.

After reviewing the parties’ submissions and hearing the parties’ arguments, the Court hereby GRANTS the Motion IN PART, finding good cause pursuant to Fed. R. Civ. P. 16(b)(4) to modify its Scheduling Order (Doc. 42) as follows:

<b>Event</b>	<b>Current Date</b>	<b>New Date</b>
Non-Expert Discovery Deadline	March 20, 2018	May 31, 2018
Expert Disclosure Deadline	April 19, 2018	June 8, 2018
Rebuttal Expert Disclosure Deadline	May 18, 2018	June 20, 2018
Expert Discovery Deadline	June 18, 2018	July 6, 2018
Non-Dispositive Motion Filing Deadline	June 26, 2018	August 6, 2018

1	Non-Dispositive Motion Hearing Deadline	July 25, 2017	September 5, 2018
2	Dispositive Motion Filing Deadline	July 30, 2018	August 6, 2018
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4	Dispositive Motion Hearing Deadline	September 18, 2018	unchanged
5	Settlement Conference	May 15, 2018	August 16, 2018 at 10:00 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto
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9	Pre-Trial Conference	November 26, 2018	unchanged
10	Trial	January 22, 2019	unchanged

11 With respect to Plaintiff's request for the production by Defendant of voicemails,  
12 Defendant SHALL conduct a diligent search for all relevant voicemails from Plaintiff to  
13 Defendant and either PRODUCE to Plaintiff, in a manner agreed to by the parties, any voicemails  
14 located, or, if no relevant voicemails are found, RESPOND to Plaintiff that it has no relevant  
15 voicemails in its possession, custody, or control. *See* Fed. R. Civ. P. 34(a). With respect to  
16 Defendant's request for the production by Plaintiff of voicemails, Plaintiff SHALL conduct a  
17 diligent search for all relevant voicemails from Defendant to Plaintiff and either PRODUCE to  
18 Defendant, in a manner agreed to by the parties, any voicemails located, or, if no relevant  
19 voicemails are found, RESPOND to Defendant that she has no relevant voicemails in her  
20 possession, custody, or control. *See id.*

21 Finally, to the extent Plaintiff wishes to obtain discovery from Tina Larson, Plaintiff  
22 SHALL follow the procedure for issuance and service of a subpoena set forth in Fed. R. Civ. P.  
23 45, as Ms. Larson is Defendant's former employee over whom it has no control.

24  
25 IT IS SO ORDERED.

26 Dated: April 19, 2018

27 /s/ Sheila K. Oberto  
28 UNITED STATES MAGISTRATE JUDGE