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

10 JOHANA MARTINEZ,) Case No. 1:16-cv-01556 LJO-SKO
11 Plaintiff,)
12 v.) **STIPULATION TO EXTEND**
13 UNITED STATES OF AMERICA,) **DISPOSITIVE MOTION DEADLINE;**
14 Defendant.) **ORDER**
15)
16) (Doc. 51)
17)

18 Plaintiff Johana Martinez (“Plaintiff”) and Defendant United States (“Defendant”),
19 (collectively “the parties”), stipulate, by and through their undersigned counsel, and request that the
20 time to file dispositive motions should be extended for two weeks from the existing deadline of
21 October 29, 2018, to November 12, 2018.

22 The timing of recent discovery disputes and the obligations regarding other cases has made it
23 difficult for the United States to finalize its summary judgment motion within existing deadline. The
24 United States requests that the deadline for filing dispositive motions, as well as the corresponding
25 deadlines for the opposition, reply, and hearing, be extended for approximately two weeks. The
26 United States did timely provide the Plaintiff with a proposed joint statement of undisputed facts.

27 Accordingly, the parties stipulate and agree that the deadline for filing dispositive motions, as
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1 well as the corresponding deadlines for the opposition, reply, and hearing, be extended for
2 approximately two weeks. This is not a material alteration of the scheduling order and no other
3 adjustments to the schedule or the order are contemplated. The parties request the court to endorse
4 this stipulation by way of formal order.

5 Respectfully submitted,

6 Dated: October 30, 2018

McGREGOR W. SCOTT
Acting United States Attorney

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8 By: /s/Jeffrey J. Lodge
JEFFREY J. LODGE
Assistant U.S. Attorney
Attorneys for the United States

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11 Dated: October 30, 2018

ROBINS CLOUD LLP

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13 (As authorized 10/30/18)

/s/Ari Friedman
Ari Friedman
Attorneys for Plaintiff

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16 **ORDER**

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18 Based in part on the parties' above-stipulation (Doc. 51), and with good cause shown, the Court
19 hereby ORDERS that case schedule (Doc. 35 and 49) is modified as follows:

Event	Prior Date	Continued Date
Dispositive Motion Filing	October 29, 2018	November 12, 2018
Opposition to Dispositive Motion Filing:	November 23, 2018	December 7, 2018
Reply in Support of Dispositive Motion Filing	November 30, 2018	December 14, 2018
Dispositive Motion Hearing	December 5, 2018	December 19, 2018
Pretrial Conference	January 30, 2019, at 8:15 am	February 6, 2019, at 8:15 am ¹

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28 ¹ The pretrial conference has been adjusted to allow the Court adequate time to rule on dispositive motions.

1 The trial date remains set for March 26, 2019, at 8:30 a.m.

2 It is further ORDERED that Plaintiff's Ex Parte Motion to Enlarge the Dispositive Motion
3 Deadline (Doc. 50) is DENIED as MOOT.²

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5 IT IS SO ORDERED.

6 Dated: October 31, 2018

/s/ Sheila K. Oberto
7 UNITED STATES MAGISTRATE JUDGE

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22 ² The Court observes that Defendant's ex parte motion seeking to enlarge the dispositive motion deadline was filed on the
23 day the deadline expired. Requests for extension are governed by Rule 144 of the Local Rules of the United States District
24 Court, Eastern District of California ("Local Rules"). Local Rule 144(d) explains that "[r]equests for Court-approved
25 extensions brought on the required filing date for the pleading or other document are looked upon with disfavor." In
26 addition, the above-stipulation was filed *after* the expiration of the dispositive motion deadline. The Court may extend time
27 to act after the deadline has expired because of "excusable neglect." Fed. R. Civ. P. 6(b)(1)(B). Here, although the above-
28 stipulation demonstrates good cause to support the request for extension of time (*see* Fed. R. Civ. P. 16(b)(4)), no such
excusable neglect has been articulated—much less shown—to justify the untimeliness of the request. Notwithstanding this
deficiency, given the absence of bad faith or prejudice to Plaintiff (as evidenced by her agreement to the extension of time
after the deadline) and in view of the liberal construction of Fed. R. Civ. 6(b)(1) to effectuate the general purpose of seeing
that cases are tried on the merits, *see Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010), the Court
will grant the parties' stipulated request. The parties are hereby admonished that any future requests for extensions of time
shall be brought in advance of the required filing date and be supported by good cause under Fed. R. Civ. P. 16(b)(4).