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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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|---|---|---|
| S.V., by and through her Guardian ad Litem CLAUDIA VALENCIA, |) | Case No.: 1:17-cv-00780- LJO-JLT |
| |) | |
| Plaintiff, |) | ORDER DENYING STIPULATION TO AMEND THE CASE SCHEDULE |
| |) | |
| v. |) | |
| |) | |
| DELANO UNION ELEMENTARY SCHOOL DISTRICT, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

The parties have filed two stipulations to amend the case schedule. (Docs. 56, 58) Both are based upon their desire to attend mediation with the need to conduct discovery until it is completed. Id. They state that the mediation “should take place by the end of May, 2019,” which indicates that no mediation is currently scheduled. Also, they fail to include such details as when they began discussing attending mediation, why they did not do so earlier and, even, why they believe they can get it set and finished by the end of May. They also fail to detail the discovery completed and that discovery which remains outstanding. Thus, the stipulations lack a showing of good cause.¹

Notably, Judge O’Neill was not impressed by the previous stipulation and refused to allow the

¹ In addition, the desire to settle the case is not an unanticipated circumstance (*Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 608 (E.D. Cal. 1999)) and counsel were aware of this possibility when they filed their joint scheduling report. (Doc. 46 at 4)

1 trial date to be continued. (Doc. 57) Implicit in this denial is that the pretrial conference must remain
2 as calendared and the dispositive motion deadlines cannot be moved. This is so because Judge
3 O'Neill requires six weeks between the filing of a dispositive motion and the hearing, eight weeks
4 between this hearing and the pretrial conference and eight weeks between the pretrial conference and
5 the trial. There is simply no excess time in the schedule to allow the amendments the parties seek.

6 The only way the schedule could be modified, assuming counsel could demonstrate good cause
7 to do so, is if they did not object to the deadlines for non-expert and expert discovery and the non-
8 dispositive and dispositive to run concurrently. Short of this, the schedule simply cannot be modified.
9 Therefore, the stipulation is **DENIED**.

10
11 IT IS SO ORDERED.

12 Dated: March 25, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE