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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICARDO TORRES,

Plaintiff,

v.

LA FAVORITA BROADCASTING, INC., et
al.,

Defendants.

Case No. 1:17-cv-00888-SAB

ORDER MODIFYING SCHEDULING
ORDER PURSUANT TO PARTIES'
STIPULATION

(ECF No. 78)

Following a stay of this action, on June 25, 2019, the scheduling order issued setting among other dates, a dispositive motion deadline of May 20, 2020, a pretrial conference date of August 14, 2020, and a trial date of September 29, 2020, before the undersigned. (ECF No. 62.) Following modifications on December 11, 2019, and March 19, 2020, on April 16, 2020, the Court held an informal conference with the parties, and then modified the scheduling order to extend the non-expert discovery deadline until June 15, 2020, due to the illness of a litigant-witness. (ECF No. 77.)

On June 17, 2020, the parties filed a stipulation requesting further modification of the scheduling order, due to the continuing illness of the key litigant and witness. (ECF No. 78.) The parties request both the fact discovery deadline and expert witness disclosure deadline be extended until July 15, 2020, the supplemental expert disclosure deadline be extended until August 15, 2020, and the expert discovery cutoff be extended until September 5, 2020. No

1 dispositive motions were filed by the May 20, 2020 deadline and the parties do not indicate any
2 need for an extension of such deadline. The parties do not request a change to the current trial
3 date of September 29, 2020, though explain that the parties will not be ready for trial on such
4 date unless the discovery deadlines are modified as requested. The parties further explain that
5 they are close to reaching a settlement of this action, but due diligence of the resolution has been
6 delayed due to the illness of the litigant-witness. The parties anticipate that due diligence of the
7 potential settlement will be completed in the next fourteen (14) days.

8 Although the parties state they are unable to complete discovery on “the eve of the fact
9 discovery cutoff,” the Court notes that the parties in fact filed the instant stipulation on June 17,
10 2020, two days after the fact discovery deadline expired on June 15, 2020. In the future, counsel
11 shall expressly highlight the fact that a request for modification is made after the expiration of
12 such deadline and explain whether good cause exists not only for the requested modification, but
13 for the failure to present such request prior to the deadline.

14 Nonetheless, given the joint request presents good cause for the modification itself, and
15 the parties highlight they are close to reaching a possible settlement but such resolution was
16 delayed because of the illness of the litigant-witness, and the fact that the parties anticipate due
17 diligence of the potential settlement will be completed within the next fourteen (14) days, the
18 Court shall grant the stipulated request to modify the scheduling order to allow the parties
19 additional time to complete discovery and work through the possible settlement. The parties
20 shall promptly file a notice of settlement if a settlement is reached. L.R. 160(a). Given the
21 proximity of the trial date to the discovery deadlines set by this order, if the parties seek further
22 modification of the scheduling order, the parties shall contact the courtroom deputy to schedule
23 an informal conference to discuss the need for modification of the trial date or pretrial
24 conference.

25 Accordingly, IT IS HEREBY ORDERED that the scheduling order is further modified as
26 follows:

- 27 1. Non-Expert Discovery Deadline: July 15, 2020;
- 28 2. Expert Disclosure Deadline: July 15, 2020;

1 3. Supplemental Expert Disclosure Deadline: August 15, 2020; and

2 4. Expert Discovery Deadline: September 5, 2020.

3 All other dates and aspects of the scheduling order, as previously modified, shall remain in
4 effect.

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6 IT IS SO ORDERED.

7 Dated: June 17, 2020



UNITED STATES MAGISTRATE JUDGE

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