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

STAN SEVERI, et al.)	Case No.: 1:17-cv-0931 - AWI - JLT
)	
Plaintiffs,)	ORDER DENYING WITHOUT PREJUDICE THE
)	STIPULATION TO AMEND THE CASE
v.)	SCHEDULE
)	(Doc.
COUNTY OF KERN, et al.,)	
)	
Defendants.)	
)	
)	

This action was removed to this Court on July 13, 2017. (Doc. 1) The Court issued the case schedule in January 2018. (Doc. 16) Recently, defendant Romo has substituted in new counsel. (Doc. 35) Mr. Weakley, new counsel for Mr. Romo, indicates that he has had insufficient time to review the file to determine the extent to which additional discovery is needed. (Doc. 36 at 2) Also, he reports he has a conflict with the current trial date. Id. Consequently, counsel have stipulated to extend discovery and the other case deadlines, about three months. Id.

The Court notes that discovery has been in progress for ten months. Thus, it is difficult to believe that most, if not all, of the needed discovery has not been completed by Mr. Romo’s previous lawyer. Also, because it is not known whether Mr. Romo needs additional discovery, there is no basis to support ant three-month extension of the case schedule. Moreover, there is no showing why the other parties need additional discovery.

Nevertheless, the Court recognizes that Mr. Weakley may need discovery not contemplated by

1 the previous attorney due to a different defensive strategy. However, because Mr. Weakley is not yet
2 certain that any additional discovery is needed, the Court will deny the request for the schedule
3 amendment without prejudice and will defer ruling on the request to continue the trial date. Therefore,
4 once Mr. Weakley has had an opportunity to come up to speed, the Court will entertain a new
5 stipulation and will re-set the trial date, as needed. At this time, however, the stipulation to amend the
6 case schedule is **DENIED**.

7
8 IT IS SO ORDERED.

9 Dated: November 26, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE