

1 it retained the expert such to avoid this type of scheduling difficulty¹. In any event, the defendant
2 seeks a one-month extension of time for the disclosure. *Id.* at 34. Without explanation, the
3 defendant also seeks an extension of all remaining case deadlines. It appears that the defendant
4 believes, despite the scheduling conference, that the Court selected the dates without regard for the
5 trial date; this is incorrect.² Thus, the Court **ORDERS**:

6 1. The case schedule is amended as follows:

7 a. The parties **SHALL** disclose their experts **no later than July 25, 2018;**

8 b. Any rebuttal experts **SHALL** be disclosed **no later than August 15, 2018;**

9 c. All expert discovery **SHALL** be completed **no later than October 2, 2018.**

10 **Absolutely no other modifications to the case schedule are authorized.**

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12 IT IS SO ORDERED.

13 Dated: **June 19, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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23 ¹ The motion takes pains to detail that the plaintiff does not oppose the motion and that there would be no prejudice to
24 the plaintiff if the motion is granted. However, the standard here, first and foremost, is a demonstration that the party
25 cannot meet the deadline despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
26 (9th Cir. 1992) [“Rule 16(b)’s “good cause” standard primarily considers the diligence of the party seeking the
27 amendment. The district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of
28 the party seeking the extension. Moreover, carelessness is not compatible with a finding of diligence and offers no
reason for a grant of relief. Although the existence of a degree of prejudice to the party opposing the modification
might supply additional reasons to deny a motion, the focus of the inquiry is upon the moving party’s reasons for
modification. If that party was not diligent, the inquiry should end.”] There is little showing in this regard.

² The pretrial conference must occur at least eight weeks before the trial; the hearing on the dispositional motion must
be heard at least 10 weeks before the pretrial conference and it must be filed 14 weeks before. Judge Drozd hears
motions only on the first and third Tuesday. Thus, the proposed schedule is not workable.

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CERTIFICATE OF SERVICE