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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE CHRISTOPHER SMITH,

 Plaintiff,

 v.

WEISS, *et al.*,

 Defendants.

Case No. 1:18-cv-00852-NONE-BAM (PC)

**ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY DISCOVERY AND
SCHEDULING ORDER DEADLINES**

(ECF No. 43)

**Discovery Deadline: July 29, 2020
Dispositive Motion Deadline: September 29,
2020**

Plaintiff Lawrence Christopher Smith (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Weiss, Hurtado, and Zavleta for the excessive force incident of November 15, 2013, in violation of the Eighth Amendment.

The Court issued a discovery and scheduling order on July 15, 2019. (ECF No. 21.) On August 29, 2019, Plaintiff filed a motion for a protective order to quash his video deposition. (ECF No. 23.) On March 2, 2020, the Court denied the motion and directed the parties to meet and confer, and agree on a date for Plaintiff’s deposition, to be taken on or before April 30, 2020. The discovery deadline was extended to April 30, 2020, and the dispositive motion was extended to July 1, 2020. (ECF No. 38.)

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1 On March 30, 2020, Plaintiff filed a motion for reconsideration of the March 2, 2020
2 order, and a renewed motion for protective order to quash or stay his deposition pending the
3 Court's resolution of his motion for reconsideration. (ECF No. 41.) The motion was denied by
4 the District Judge on April 3, 2020, and the deadline for the taking of Plaintiff's deposition
5 remained April 30, 2020. (ECF No. 42.)

6 Currently before the Court is Defendants' motion to modify the discovery and scheduling
7 order deadlines, filed April 13, 2020. (ECF No. 43.) Defendants state that while they diligently
8 attempted to comply with the existing deadlines by noticing Plaintiff's deposition for April 16,
9 2020, due to the COVID-19 outbreak the deposition can no longer move forward as planned.
10 Defense counsel has been unable to locate a court reporter willing to accommodate the deposition
11 on prison grounds, and CDCR has reported that legal visits and even phone calls are being limited
12 to urgent matters only. Finally, due to circumstances arising from the COVID-19 crisis, defense
13 counsel expects to take an extended leave of absence through mid-June 2020. Defendants
14 therefore request a 90-day extension of the deadline to depose Plaintiff and to file any dispositive
15 motions, to July 29, 2020 and September 29, 2020, respectively. (Id.)

16 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is
17 unnecessary. The motion is deemed submitted. Local Rule 230(1).

18 Having considered the request, the Court finds good cause to grant the requested
19 extensions of the discovery and dispositive motion deadlines. Fed. R. Civ. P. 16(b)(4).
20 Defendants have worked diligently to meet the deadlines set by the Court for taking Plaintiff's
21 deposition and filing dispositive motions, but those deadlines are no longer feasible due to the
22 circumstances surrounding the COVID-19 outbreak. The Court finds that Plaintiff will not be
23 prejudiced by the extension granted here.

24 **IV. Conclusion and Order**

25 For the reasons stated above, IT IS HEREBY ORDERED as follows:

- 26 1. Defendants' motion to modify discovery and scheduling order deadlines, (ECF No.
27 43), is GRANTED;

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2. The Discovery Deadline is extended from April 30, 2020 to **July 29, 2020**; and
3. The Dispositive Motion Deadline is extended from July 1, 2020 to **September 29, 2020**.

IT IS SO ORDERED.

Dated: April 22, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE