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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,
Plaintiff,
v.
J. HERNANDEZ,
Defendant.

Case No. 1:19-cv-00616 SKO (PC)
**ORDER SETTING DISPOSITIVE MOTION
DEADLINE**
Dispositive Motion Deadline: 01/30/2024

I. RELEVANT PROCEDURAL HISTORY

This Court issued a Discovery and Scheduling Order on November 2, 2022. (Doc. 57.)

On March 24, 2023, the Court issued its Order Granting Defendant’s Motion for Extension of Time to Depose Plaintiff and to File Dispositive Motion. (Doc. 60.) The discovery cut off deadline was extended from April 2, 2023, to June 5, 2023, to allow Plaintiff’s deposition to be rescheduled. The dispositive motion deadline was also extended from June 5, 2023, to August 4, 2023, to allow for the completion of Plaintiff’s deposition and evaluation and drafting of any pre-trial dispositive motion. (*Id.* at 2.)

On May 31, 2023, Defendant Hernandez filed a motion for terminating sanctions for Plaintiff’s willful failure to participate in a deposition. (*See* Doc. 64.)

On July 13, 2023, this Court granted Defendant’s motion to vacate the pretrial dispositive motion filing deadline pending resolution of the motion for terminating sanctions. (Doc. 69.) The

1 Court stated that it “will reset the deadline for the filing of dispositive motions, if necessary, after
2 Defendant’s motion for terminating sanctions has been resolved by the Court.” (*Id.* at 2.)

3 On August 3, 2023, Plaintiff filed an opposition to Defendant’s motion for terminating
4 sanctions (Doc. 71); Defendant replied on August 17, 2023 (Doc. 71).

5 On October 5, 2023, the Court issued its Order Granting in Part and Denying in Part
6 Defendant’s Motion for Terminating Sanctions for Willful Failure to Participate in Deposition.
7 (Doc. 74.) The Court directed Plaintiff to participate in a deposition “to be noticed no later than
8 October 23, 2023, and held no later than December 1, 2023.” (*Id.* at 17.) Defense counsel was
9 directed to file a status report by November 1, 2023, concerning his efforts to reschedule
10 Plaintiff’s deposition. (*Id.* at 18.)

11 In a status report filed October 10, 2023, Defendant advised Plaintiff’s deposition had
12 been rescheduled for November 3, 2023, at 9:00 a.m. via videoconference. (Doc. 75.) The Court
13 now resets the dispositive motion deadline.

14 **II. CONCLUSION AND ORDER**

15 For the reasons stated above, **IT IS HEREBY ORDERED** that:

- 16 1. The deadline for filing pre-trial dispositions motions is **January 30, 2024**;
- 17 2. The defense SHALL also lodge a Word version of any motion to
18 skoorders@caed.uscourts.gov. The defense SHALL mail or deliver courtesy hard
19 copies of all motions **over 10 pages** to the Court at 2500 Tulare St., Fresno, CA
20 93721. Emailed copies and courtesy hard copies SHALL reflect the CM/ECF
21 document numbers and pagination; and
- 22 3. Any request for an extension of the pre-trial dispositive motion deadline must be filed
23 at least two weeks before it expires. **The deadline set forth above is firm and will**
24 **only be extended upon a showing of good cause.**

25
26 IT IS SO ORDERED.

27 Dated: November 9, 2023

28 */s/ Sheila K. Oberto*
UNITED STATES MAGISTRATE JUDGE

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