



1 his deposition.

2 In addition, the parties declare that while they disagree about the underlying causation of  
3 Plaintiff's injuries, they do agree that the costs of procuring expert reports have unexpectedly  
4 risen so much that private mediation of this matter might be a more favorable (and economical)  
5 alternative than continuing expert discovery. *See* (Doc. 52-1 ¶¶6-7).

6 Separately, the parties' amending filings are responsive to the Court's direction they  
7 "demonstrate[e] diligence" (*see* Doc. 50) in their conduct of discovery to support any request to  
8 modify the scheduling order. In addition to multiple rounds of written discovery, the parties have  
9 completed at least six nonexpert depositions and an independent medical examination of Plaintiff  
10 and have timely identified and are preparing expert witnesses well before the close of expert  
11 discovery. (Doc. 52 p. 3).

12 The parties have demonstrated due diligence and their representations concerning  
13 discovery challenges and the prospect of conserving their and the Court's resources through  
14 private mediation establish good cause to modify the scheduling order. *Johnson v. Mammoth*  
15 *Recreations, Inc.*, 975 F.2d 604, 609-610 (9th Cir. 1992).

16 The parties' stipulation identifies proposed dates that are inconsistent with the dates in the  
17 proposed order for some of the same events – thus, whereas the stipulation requests the expert  
18 discovery deadline be extended from February 1, 2024, to March 1, 2024, the proposed order lists  
19 the date of January 15, 2024. *Cf.* Doc. 52 p. 2 *with* p. 5. Separately, the proposed sequencing of  
20 events does not comport with the assigned district judge's scheduling protocols (*see* Doc.4-1):  
21 dispositive motions should not be set for filing (as the parties propose) two weeks before the close  
22 of expert discovery. The Court's adopted amendments below reflect the Undersigned's best  
23 efforts to discern the parties' intent and incorporate it into a workable schedule.

24 Finally, the Court admonishes the parties to appropriately balance their desires to invest in  
25 private mediation with a commitment to fulfilling all further discovery and pretrial events within  
26 the modified scheduling order below. The Court has selected these dates in part with a view that  
27 the parties should be able to complete discovery and motion practice timely without regard to the  
28 outcome of mediation.

1           Accordingly, for the forgoing reasons, IT IS HEREBY ORDERED that the scheduling  
2 order, is modified to the following extent.

- 3           1. The Non-Expert discovery cutoff is extended from December 15, 2023, to **February 15,**  
4           **2024.**
- 5           2. The Expert discovery cutoff is extended from February 1, 2024, to **March 15, 2024.**<sup>1</sup>
- 6           3. The Non-Dispositive Motion filing date is extended from November 15, 2023, to **March**  
7           **1, 2024.**
- 8           4. The Non-Dispositive Motion hearing date is extended from December 20, 2023, to **April**  
9           **3, 2024.**
- 10          5. The Dispositive Motion filing date is extended from December 15, 2023, **April 1, 2024.**
- 11          6. The Dispositive Motion hearing date is extended from February 1, 2024, to **May 6, 2024.**
- 12          7. The Pre-Trial Conference is extended from April 8, 2024, to **July 8, 2024.**
- 13          8. The Trial is extended from June 11, 2024, to **September 10, 2024.**
- 14          9. All other case management dates (Doc. 43) remain unchanged.

15 IT IS SO ORDERED.

16 Dated: November 14, 2023

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19 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> As the parties' stipulated request to extend case management dates was filed *after* the  
deadline for disclosing expert witnesses (November 1, 2023, *see* Doc. 43 at 2), no additional  
initial experts may be disclosed; rebuttal experts must be disclosed consistent with Fed. R. Civ. P.  
26(a)(2) no later than **February 15, 2024.**