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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DARRIL HEDRICK, DALE  
ROBINSON, KATHY LINDSEY,  
MARTIN C. CANADA, DARRY  
TYRONE PARKER, individually  
and on behalf of all others  
similarly situated,

Plaintiffs,

v.

JAMES GRANT, as Sheriff of  
Yuba County; Lieutenant FRED  
J. ASBY, as Yuba County  
Jailer; JAMES PHARRIS, ROY  
LANDERMAN, DOUG WALTZ, HAROLD  
J. "SAM" SPERBECK, JAMES  
MARTIN, as members of the  
YUBA COUNTY BOARD OF  
SUPERVISORS,

Defendants.

2:76-cv-00162-GEB-EFB

ORDER DENYING REQUEST TO REOPEN  
DISCOVERY

On March 5, 2014, the parties filed a joint document,  
in which Plaintiffs request to reopen discovery under Federal  
Rule of Civil Procedure ("Rule") 16(b)(4). Defendants oppose the  
request. The request is construed as a motion to reopen  
discovery. Granting the motion would necessitate modifying other  
scheduled dates which Plaintiffs do not pointedly address.

On February 5, 2014, Plaintiffs previously filed a  
motion to extend the scheduled discovery completion date. That

1 motion was noticed to be heard before a magistrate judge on  
2 February 26, 2014 - the same day on which discovery was to have  
3 been completed; however, that notice was improper, since the  
4 district judge had prescribed the scheduled dates which  
5 Plaintiffs sought to modify. A minute order issued concerning  
6 that notice, stating the motion was "defectively noticed," that  
7 the motion would therefore "not be set for hearing," and that  
8 Plaintiff was "advised to properly re-notice the motion to be  
9 heard before the assigned District Judge." (Minute Order, ECF No.  
10 122.) On February 10, 2014, Plaintiffs re-noticed the motion. The  
11 motion was denied in an Order filed on March 3, 2014, since it  
12 did not contain authority or bases justifying the relief sought.

13 In the motion sub judice, Plaintiffs fail to  
14 demonstrate that they have "good cause" to reopen discovery. Fed.  
15 R. Civ. P. 16(b)(4). Rule 16(b)(4) prescribes: "A schedule may be  
16 modified only for good cause . . . ." Id. "Rule 16(b)'s 'good  
17 cause' standard primarily considers the diligence of the party  
18 seeking the amendment." Johnson v. Mammoth Recreations, Inc., 975  
19 F.2d 604, 609 (9th Cir. 1992).

20 [T]o demonstrate diligence . . . the movant  
21 may be required to show . . . (1) that she  
22 was diligent in assisting the Court in  
23 creating a workable Rule 16 order, (2) that  
24 her noncompliance with a Rule 16 deadline  
25 occurred or will occur, notwithstanding her  
26 diligent efforts to comply, because of the  
27 development of matters which could not have  
28 been reasonably foreseen or anticipated at  
the time of the Rule 16 scheduling  
conference; and (3) that she was diligent in  
seeking amendment of the Rule 16 order, once  
it became apparent that she could not comply  
with the order.

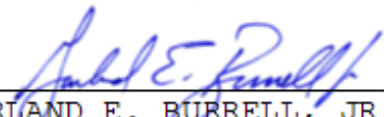
Jackson v. Laureate, Inc., 186 F.R.D. 605, 608 (E.D. Cal.

1 1999) (citing In re San Juan Dupont Plaza Hotel Fire Litig., 111  
2 F.3d 220, 228 (1st Cir. 1997), Johnson, 975 F.2d at 609, and  
3 Eckert Cold Storage, Inc. v. Behl, 943 F. Supp. 1230, 1233 (E.D.  
4 Cal. 1996)) (citations omitted).

5 Plaintiffs have not explained why they should not have  
6 been expected to have reasonably anticipated the amount of time  
7 desired for discovery during the hearing at which the discovery  
8 deadline was prescribed. Nor have Plaintiffs explained when they  
9 first concluded that they could not comply with the prescribed  
10 discovery deadline nor why they failed to file a timelier duly  
11 noticed motion to extend the discovery deadline.

12 Since Plaintiffs have not shown good cause to reopen  
13 discovery, the motion is denied.

14 Dated: March 13, 2014

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18 GARIAND E. BURRELL, JR.  
19 Senior United States District Judge  
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