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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Ronald L. Pronechen,)	CV 06-1726-LEW
)	
Plaintiff,)	**AMENDED**
)	ORDER GRANTING
v.)	Plaintiff's Motion to
)	Amend Scheduling Order
Secretary of U.S.)	[64]
Department of Homeland)	
Security,)	
)	
)	
Defendant.)	
)	
)	
)	

Plaintiff's Motion to Amend Scheduling Order [64] was set for hearing on July 17, 2009. Having taken the matter under submission on July 13, 2009, and having reviewed all papers submitted pertaining to this motion the Court, **NOW FINDS AND RULES AS FOLLOWS:**

Plaintiff has demonstrated good cause to extend discovery and amend the scheduling order accordingly. Thus, Plaintiff's Motion to Amend Scheduling Order is **GRANTED**, with limitations. In re-opening discovery,

1 the Court permits depositions of witnesses previously
2 disclosed and not deposed, as well as written discovery
3 regarding documents and information disclosed and
4 available prior to the original discovery cut-off date,
5 so long as the discovery would have been conducted
6 prior to the discovery cut-off deadline had these
7 documents been provided, and is not based on completely
8 new theories.

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10 In addition, Plaintiff is allowed to conduct
11 discovery regarding four additional applications
12 (0492424, 0490444, 049054, & 0492414) he made after he
13 submitted his original administrative claim because the
14 additional applications are reasonably related to the
15 original allegations. See Chung v. Pomona Valley
16 Community Hospital, 667 F.2d 788, 792 (9th Cir. 1982)
17 (holding that alleged discriminatory claims that are
18 not recorded in the original EEOC charge may be
19 adjudicated so long as they are "like or reasonably
20 related to the allegations of the EEOC charge").¹
21 Furthermore, the recently provided documents indicate

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23 _____
24 ¹ Though Chung applies to the actual adjudication
25 of claims, this Order only permits discovery regarding
26 these applications and should not be read as permitting
27 adjudication of these claims or as amending the
28 original complaint to include these claims.

1 that it is important to pursue discovery regarding
2 these claims. However, Plaintiff cannot pursue
3 discovery related to claims he has already dismissed.

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5 Accordingly, the Court sets the following dates:

6 Discovery Cut-Off: 10-21-09
7 Expert Cut-Off: 12-18-09**
8 Last day to file motions: 01-21-10
9 Final Pretrial Conference: 03-23-10 10 a.m.
10 ****Court** Trial: 05-18-10 10 a.m.

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12 **IT IS SO ORDERED.**

13 / s /
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15 **HONORABLE RONALD S.W. LEW**

16 Senior, U.S. District Court Judge

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18 DATED: August 7, 2009
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