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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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|-------------------------------------|---|-----------------------|
| BERLIN LILLARD, |) | |
| |) | 2:08-CV-00719-GEB-KJM |
| |) | |
| Plaintiff, |) | <u>ORDER</u> |
| |) | |
| v. |) | |
| |) | |
| STARBUCKS CORPORATION, a Washington |) | |
| Corporation, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

On November 20, 2008, the parties filed a "Stipulation and Proposed Order to Continue Date for Expert Disclosure" ("Proposed Order"). The parties also indicate they desire more time for discovery. This Proposed Order will not be signed since "good cause" has not been shown, and as stated in the Rule 16 Scheduling Order: "The parties are reminded that pursuant to Federal Rule of Civil Procedure 16(b), the Status (pretrial scheduling) Order shall not be modified except by leave of Court upon a showing of good cause. Counsel are cautioned that a mere stipulation by itself to change dates does not constitute good cause." Further, the portion of the Proposed Order that indicates the court lacks authority to prescribe

1 when expert disclosure shall occur misstates the law. However, to
2 provide the parties more time for expert disclosure and discovery, the
3 Rule 16 Scheduling Order will be modified but not as the parties have
4 requested since sufficient reason has not been provided to change the
5 trial date. Therefore, the Rule 16 Scheduling Order is modified as
6 follows:¹

7 (1) Each party shall comply expert disclosures authorized
8 under Federal Rule of Civil Procedure 26(a)(2) on or before May 26,
9 2009;


10 (2) discovery shall be completed by July 14, 2009;

11 (3) the last hearing date for motions shall be on
12 September 14, 2009, at 9:00 a.m.; and

13 (4) the final pretrial conference is set for November 2,
14 2009, at 2:30 p.m.

15 IT IS SO ORDERED.

16 Dated: January 22, 2009

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19 _____
GARLAND E. BURRELL, JR.
United States District Judge

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26 _____
27 ¹ The modification reduces the amount of time between the trial
28 commencement date of December 1, 2009, and the final pretrial
conference. Because of this reduction, it is unlikely that a settlement
conference supervised by a federal judge will be scheduled in this
action.