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

MILOS LEUBNER,

Plaintiff,

No. 2:08-cv-0853 GEB JFM PS

vs.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

ORDER

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On January 13, 2012, defendants filed a joint request for immediate telephonic conference concerning plaintiff’s non-appearance at a scheduled deposition or, in the alternative, for an order extending the January 26, 2012 discovery deadline solely for the purpose of conducting plaintiff’s deposition. This request stems from plaintiff’s failure to appear at a deposition that was scheduled for January 13, 2012.

In considering defendants’ request, the court notes that this case, having been filed on April 22, 2008, is nearing its fourth year and discovery has yet to be completed. The court further notes that the initial December 10, 2010 scheduling order has already been modified twice. See Doc. Nos. 124, 152, 161. While the court is loathe to modify the scheduling order again, the court finds that the circumstances of this request warrant a partial modification.

1                   Accordingly, IT IS HEREBY ORDERED that defendants' January 13, 2012  
2 request is partially granted. The request for a telephonic conference is denied. The request for a  
3 modification to the scheduling order is granted. All date set forth in this court's November 23,  
4 2011 scheduling order shall remain unchanged except that defendants are granted up to and  
5 including February 9, 2012 to conduct plaintiff's deposition. Plaintiff is cautioned that failure to  
6 appear at the scheduled deposition may result in sanctions, up to and including dismissal of this  
7 action.

8 DATED: January 18, 2012.

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11 UNITED STATES MAGISTRATE JUDGE

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