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

SQUARE D. COMPANY,

Plaintiff,

No. CIV S-08-1312 JAM EFB PS

vs.

CHAWN PHILLIP ANDERSON,  
HEATHER MARIE APODACA,  
formerly d/b/a AA & M ELECTRIC,  
and AA & M ELECTRIC, INC.,

Defendants.

ORDER

\_\_\_\_\_ /  
This case, in which defendants Chawn Phillip Anderson and Heather Marie Apodaca, formerly d/b/a AA & M ELECTRIC, (“Defendants”) are proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule (“Local Rule”) 72-302(c)(21). *See* 28 U.S.C. § 636(b)(1). On September 28, 2009, plaintiff filed an application to modify the status (pretrial scheduling) order issued by the undersigned on November 13, 2008. Dckt. No. 52. The application requests that the court continue the final date to hear motions to compel from September 9, 2009 to December 15, 2009 and continue the discovery completion deadline from October 2, 2009 to January 15, 2010. *Id.*

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1 A scheduling order issued pursuant to Federal Rule of Civil Procedure 16 “may be  
2 modified only for good cause.” Fed. R. Civ. P. 16(b)(4); *see also Johnson v. Mammoth*  
3 *Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). Rule 16(b)’s “good cause” standard  
4 focuses on the diligence of the party seeking the amendment. *Id.* at 608-09.

5 Plaintiff states that “there is good cause to modify here, because Defendants . . . have  
6 completely and continually failed to comply with their discovery obligations [and, as] a result,  
7 the closing of discovery would unfairly prejudice [plaintiff] and unjustly reward Defendants for  
8 their obstructionism.” Dckt. No. 52 at 1. Plaintiff adds that defendants have not provided  
9 responses to any of plaintiff’s written discovery and have not yet provided their Rule 26(a)  
10 disclosures; that plaintiff filed a motion to compel discovery on April 24, 2009 but withdrew it  
11 after defendants assured plaintiff they would provide the responsive discovery; that plaintiff filed  
12 another motion to compel on July 10, 2009 which was heard and tentatively granted on  
13 September 2, 2009, pending receipt of a supplemental declaration from plaintiff’s counsel  
14 regarding fees incurred in attending the hearing; and that defendants failed to appear for their  
15 scheduled depositions on September 18, 2009, even though they were provided sufficient notice  
16 of those depositions. *Id.* at 2; Dckt. No. 53 (Stouder Decl.). The court’s order granting  
17 plaintiff’s July 10, 2009 motion to compel, which was filed on October 1, 2009, requires  
18 defendants to provide all initial disclosures and respond to various of plaintiff’s discovery  
19 requests on or before October 20, 2009. Dckt. No. 57.

20 In light of the foregoing, the court finds that good cause exists to grant plaintiff’s  
21 requested modification of the scheduling order. Additionally, although plaintiff suggests that no  
22 further modification of the scheduling order is necessary since “trial is not scheduled to  
23 commence until March 15, 2010,” a continuation of the discovery deadlines necessitates  
24 modifying the November 4, 2009 law and motion deadline, the January 8, 2010 final pretrial  
25 conference, and the March 15, 2010 trial commencement date.

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1 Therefore, the November 13, 2008 scheduling order is MODIFIED as follows:

2 1. The parties may conduct fact and expert discovery until January 15, 2010. Motions to  
3 compel fact discovery are to be noticed to be heard by December 16, 2009, as those deadlines are  
4 more specifically described in the November 13, 2008 order.

5 2. All pretrial motions, except motions to compel discovery, shall be completed as  
6 described herein on or before February 24, 2010.

7 3. The final pretrial conference is set before the district judge on Friday, April 9, 2010, at  
8 2:00 p.m., in Courtroom No. 6. Pretrial statements shall be filed in accordance with Local Rules  
9 16-281 and 16-282.

10 4. A jury trial is set to commence before the district judge on Monday, June 14, 2010, at  
11 9:00 a.m., in Courtroom No. 6.

12 IT IS SO ORDERED.

13 DATED: October 2, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE