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

DARYL GREGORY; SHIRLEY
GREGORY,

Plaintiffs,

No. CIV S-10-1872 KJM EFB

vs.

NATIONWIDE MUTUAL INSURANCE
COMPANY; ALLIED PROPERTY AND
CASUALTY INSURANCE COMPANY,

ORDER

Defendants.

On November 17, 2011, plaintiffs filed a motion to compel defendants to comply with certain deposition notices that plaintiffs originally served on defendants in June 2011 and re-served on defendants in October 2011. Dckt. No. 33. The motion is noticed for hearing before the undersigned on December 14, 2011. *Id.*

However, the non-expert discovery deadline in this case was August 19, 2011 and the expert discovery deadline was October 28, 2011. *See* June 22, 2011 Stipulation and Order Modifying the Pretrial Scheduling Order, Dckt. No. 15. As set forth in the Pretrial Scheduling Order, the discovery deadline is the date on which all discovery is to be “completed,” which “means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and,

1 where discovery has been ordered, the order has been complied with.” *See* Sept. 16, 2010 Status
2 (Pretrial Scheduling) Order, Dckt. No. 8 at 2. Although plaintiffs contend that the parties agreed
3 to continue the discovery deadline to October 31, 2011 and that the depositions at issue were re-
4 noticed to be held before that date, Dckt. No. 33-1 at 6, this court has no authority to consider a
5 discovery motion after the close of discovery.¹ While plaintiffs may file a motion to further
6 modify the Pretrial Scheduling Order, the motion must be heard and decided by the district
7 judge. Accordingly, plaintiffs’ motion to compel, Dckt. No. 33, is denied without prejudice.

8 SO ORDERED.

9 DATED: November 18, 2011.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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25 ¹ When parties agree to conduct discovery beyond the discovery completion deadline set
26 by the court, they do so with the risk that the court will not decide any disputes relating to that
discovery.