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

MARIA CHRISTINA STEIN, aka MARY STEIN,)	2:10-cv-02827-GEB-EFB
)	
Plaintiff,)	
)	
v.)	<u>ORDER DENYING PLAINTIFF'S MOTION TO COMPEL DISCOVERY AND REOPEN DISCOVERY AFTER DISCOVERY COMPLETION DATE HAS PASSED*</u>
)	
BANK OF AMERICA, N.A., successor in interest to Countrywide Bank, FSB; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. aka "MERS",)	
)	
Defendants.)	
_____)	

Plaintiff filed a motion on November 16, 2012, in which she requests "1) this Court to compel Defendants to answer [written] Discovery propounded; and 2) to extend the Discovery time period to allow same." (Pl.'s Mot. 6:14-15.) In essence, Plaintiff argues the requested relief should be granted because she and Defendants "agreed to concentrate on settling this matter[,] " but were unsuccessful, and Defendants are now refusing to respond to written discovery that Plaintiff propounded after the discovery completion date. (Pl.'s Mot.

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

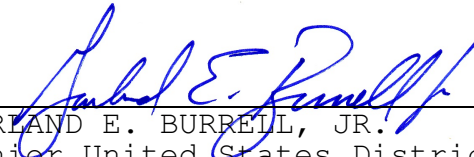
1 3:9-12, 4:6-10; Decl. of Richard Sinclair in Supp. of Mot. ¶¶ 3-4.)
2 Plaintiff further argues that "Plaintiff's counsel thought [the] parties
3 were putting discovery on hold to try to settle the matter[, but]
4 Defendant[s] obviously thought differently" Id. at 4:6-9.

5 Plaintiff's request to "compel Defendants to answer [the
6 propounded written] Discovery" is DENIED, since the January 25, 2012
7 Minute Order (ECF No. 49) required all discovery to be completed by July
8 24, 2012. See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608
9 (9th Cir. 1992) (indicating motions filed after the deadlines set in a
10 scheduling order are untimely and may be denied solely on that ground).
11 The May 19, 2011 Status (Pretrial Scheduling) Order notified the parties
12 that in this context, "'completed' means that all discovery shall have
13 been conducted so . . . any disputes relative to discovery shall have
14 been resolved by appropriate orders, if necessary" (ECF No. 37,
15 2:7-13.)

16 Further, Plaintiff has not shown "good cause" to extend the
17 discovery completion date. "A schedul[ing order] may be modified only
18 for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4).
19 "Rule 16(b)'s 'good cause' standard primarily considers the diligence of
20 the party seeking the amendment. . . . Moreover, carelessness is not
21 compatible with a finding of diligence and offers no reason for a grant
22 of relief If [the movant] was not diligent, the inquiry should
23 end." Johnson, 975 F.2d at 609. Assuming *arguendo* that the parties
24 agreed to "put[] discovery on hold to try to settle the matter[,]" such
25 an agreement is ineffective without the Court's approval. Fed. R. Civ.
26 P. 29(b) ("a stipulation extending the time for any form of discovery
27 must have court approval if it would interfere with the time set for
28

1 completing discovery"). Therefore, Plaintiff's request to extend the
2 discovery completion date is DENIED.

3 Dated: November 20, 2012

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7 GARLAND E. BURRELL, JR.
8 Senior United States District Judge
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