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

RYAN YOUNG,

Plaintiff,

No. CIV S-11-2491 KJM-JFM

vs.

MATTHEW CATE, in his capacity as the  
Secretary of the California Department of  
Corrections and Rehabilitation,

ORDER

Defendant.

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This matter comes before the court upon plaintiff's ex parte application for an extension of time to notice its motion for class certification. (ECF 39.) This is plaintiff's second request for an extension of time related to class certification. (See ECF 34.)

In its status (pretrial scheduling) order, issued on February 22, 2012, the court ordered the parties to appear at a further status conference on June 28, 2012. (ECF 28.) At this further status conference, the court granted plaintiff leave to file a request to extend the discovery cutoff. (ECF 33.) Plaintiff filed said request on July 13, 2012. (ECF 34.) The court granted plaintiff's request, extending the cutoff of the first phase of discovery to August 23, 2012, but leaving all other deadlines unchanged. (ECF 28.) These deadlines are as follows: second phase of discovery to be completed by December 3, 2012; dispositive motions heard by

1 February 1, 2013; final pretrial conference set for March 21, 2013; and trial set for April 29,  
2 2013. (ECF 28.)

3           Given these impending deadlines, plaintiff's prior failure to move for  
4 modification of the court's pretrial scheduling order suggests neglect. Plaintiff claims he is  
5 seeking only an extension of time to file his motion for class certification but in the same breath  
6 indicates he "need[s] additional time to interview and obtain declarations from a good number of  
7 [potential class members]." (ECF 39 at 4.) Plaintiff noticeably does not ask the court to extend  
8 the cutoff for class certification discovery, which has come and gone.

9           In light of defendant's apparent willingness to stipulate to a modification of the  
10 court's pretrial scheduling order, plaintiff is hereby ORDERED to seek such a stipulation from  
11 defendant. The parties shall file a joint status report within ten (10) days of the entry of this  
12 order, in which they shall indicate whether they have been able to reach such a stipulation. If a  
13 stipulation is not reached, plaintiff may seek leave of this court to file a request for modification  
14 of the pretrial scheduling order which shall address and apply Federal Rule of Civil Procedure  
15 16(b)(4) and relevant case law.

16           IT IS SO ORDERED.

17 DATED: October 3, 2012.

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UNITED STATES DISTRICT JUDGE