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

LEON E. MORRIS,

Plaintiff,

v.

NANGALAMA, et al. ,

Defendants.

Case No. 2:12-cv-01202-MCE-KJN

**ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY THE
DISCOVERY AND REVISED
SCHEDULING ORDER**

Defendants seek a third extension of time in which to file a motion for summary judgment. Defendants are awaiting finalization of their expert declaration from Dr. Galen Church, who is currently on vacation and cannot provide his signed declaration. Defendants aver that good cause exists because if defendants are successful on their motion for summary judgment, the case will be resolved in its entirety, and contend that defendants will be prejudiced if the motion is not granted.

“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified


1 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"
2 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting
3 Johnson, 975 F.2d at 607).

4 In the April 22, 2016 order, defendants were advised that no further extensions of this
5 deadline would be granted. (ECF No. 87 at 2.) However, defendants seek a brief extension, and
6 are unable to file their motion without Dr. Church's signed declaration. Because the extension is
7 necessitated by the absence of Dr. Church, and not for an improper purpose, the undersigned
8 finds good cause to grant defendants' motion to modify the discovery and revised scheduling
9 order.

10 Accordingly, IT IS HEREBY ORDERED that

- 11 1. Defendants' motion (ECF No. 88) is granted; and
- 12 2. The deadline to file dispositive motions is extended to May 17, 2016. In all other
13 respects, the August 13, 2015 discovery and scheduling order remains in effect.

14 Dated: May 13, 2016

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16 _____
17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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