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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LINDA M. SCHALDACH,

Plaintiff,

v.

DIGNITY HEALTH, et al.,

Defendants.

No. 2:12-cv-02492-MCE-KJN

**ORDER**

On July 29, 2015, Plaintiff requested a one-week extension of time to file an opposition to Defendants' pending Motion for Summary Judgment (ECF No. 40). See ECF No. 49. Pursuant to the Pretrial Scheduling Order (ECF No. 36), Plaintiff's opposition was due the following day, July 30, 2015.<sup>1</sup> On August 6, 2015, the Court granted Plaintiff's requested extension, which was at that time unopposed. The Court Order extended the deadline to file the opposition to August 6, 2015 and the reply to August 20, 2015. ECF No. 52. The same day the Order was filed, Defendants filed an Opposition to the requested extension of time. ECF No. 51.

Defendants' Opposition states that both parties agreed to an extension. See id.

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<sup>1</sup> The Motion for Summary Judgment was originally noticed for hearing August 20, 2015, but was later re-noticed to September 3, 2015 to comply with the Court's Pretrial Scheduling Order. See ECF No. 46. Plaintiff filed a Motion to Strike due to the non-compliance of the hearing date, but that Motion was denied. See ECF Nos. 42, 47.


1 at 2:14. However, Defendants argue that Plaintiff's requested extension required a  
2 modification of the Pretrial Scheduling Order because the Court would not have three  
3 weeks between the filing of Plaintiff's reply and the hearing on the Motion for Summary  
4 Judgment. The Court considered the proposed timing when it granted the extension and  
5 the Pretrial Scheduling Order is so modified to allow only two weeks between the filing of  
6 the reply and the hearing.

7 In the alternative, Defendants request an even longer extension, specifically an  
8 August 20, 2015 deadline for Plaintiff's opposition with Defendants' reply due September  
9 18, 2015.<sup>2</sup> Defendants also request that the Court move the hearing date to October 12,  
10 2015, and vacate the pretrial conference and trial off of the calendar (to be rescheduled  
11 after the Motion for Summary Judgment is decided). Defendants' request is premised on  
12 the fact that Defendants' lead counsel is in trial and the jury panel will be "questioned  
13 about their availability until August 28, 2015." Id. at 2.

14 Defendants noticed their Motion for Summary Judgment for the last possible  
15 hearing date allowed by the Pretrial Scheduling Order. The Court does not find that  
16 good cause exists to grant Defendants' requested extension of that hearing date,  
17 disrupting the final pretrial conference and trial dates, solely because Defendants' lead  
18 counsel is currently questioning a jury in another case. Thus, the deadlines set by the  
19 Court in its August 6, 2015 Order remain in effect. Defendants' reply is due August 20,  
20 2015.

21 IT IS SO ORDERED.

22 Dated: August 10, 2015

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25 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
26 UNITED STATES DISTRICT COURT  
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28 <sup>2</sup> Plaintiff submitted her Opposition on August 7, 2015. See ECF Nos. 53-55.