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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ROBERT DODSON,	No. 2:13-cv-0336-TLN-DAD
12	Plaintiff,	
13	V.	ORDER
14	GOLD COUNTRY FOODS, INC, dba	
15	TACO BELL #2416 et al.,	
16	Defendants.	
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18	This matter is before the Court on Defendant, Gold Country Foods, Inc.'s ("Defendant")	
19	motion to modify the pretrial scheduling order. ¹ (See Def.'s Mot. to Modify the Pretrial	
20	Scheduling Order, ECF 44.) "Defendant proposes an amended pretrial schedule to accommodate	
21	the pending ruling on Defendant's Motion for Summary Judgment which is currently under	
22	submission." (Id. at 1:23-25.) Specifically, Defendant requests that the Court modify the pretrial	
23	scheduling order to "permit Defendant to render its expert witness disclosure to within 20 days	
24	after the Court issues its order on the [s]ummary [j]udgment" motion and to establish a date for	
25	expert witness discovery cutoff. ² (Id. at 3:12-15.) Plaintiff has not filed any opposition to	
26	¹ Pacausa and argument will not be of material assistance, the Court orders this matter	
27	¹ Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. L.R. 230(g).	
28		endant's request to extend the deadline for expert t's ruling on summary judgment, the court finds 1

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Defendant's motion.

A pretrial scheduling order "shall not be modified except upon a showing of good cause." 2 3 Fed. R. Civ. P. 16(b). The district court may modify the pretrial schedule "if it cannot reasonably 4 be met despite the diligence of the party seeking the extension." Johnson v. Mammoth 5 Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992) (quoting Fed. R. Civ. P. 16, advisory 6 committee's notes (1983 amendment)). The "good cause" standard set forth in Rule 16 primarily 7 focuses upon the diligence of the party requesting the amendment. Id. at 609. "Although the 8 existence or degree of prejudice to the party opposing the modification might supply additional 9 reasons to deny a motion, the focus of the inquiry is upon the moving party's reasons for seeking 10 modification." Id.

11 Here, the Court finds that Defendant has shown good cause for modifying the pretrial

12 scheduling order. First, Defendant has been exceedingly diligent in seeking amendment.

13 Defendant filed its motion for summary judgment—the impetus for Defendant's current motion—

14 sixteen months before the dispositive motion deadline. Moreover, Defendant simply seeks to

15 alter the deadline for disclosure of expert witnesses, which does not arise until September 18,

16 2014.

17 The Court also finds that Plaintiff would not be prejudiced by extending the deadline for 18 expert witness disclosure to twenty days after the Court issues its order on Defendant's motion for 19 summary judgment. Indeed, Plaintiff has not opposed Defendant's motion. Finally, the Court 20 finds availing Defendant's stated reasons for the modification. Specifically, by extending the 21 deadline for disclosure of expert witnesses to a date after the ruling on Defendant's motion for 22 summary judgment, both parties will save on potentially unnecessary litigation expenses. That is, 23 should the Court grant Defendant's motion for summary judgment, absent modification, a high 24 likelihood exists that the parties will have incurred unnecessary expenses on expert discovery. As 25 such, Defendant's motion to modify the pretrial scheduling order is GRANTED.

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unnecessary Defendant's request that the court set a date certain for expert witness discovery cutoff. The court finds more than sufficient the pretrial scheduling order's instruction that counsel
"complete all discovery of expert witnesses in a timely manner in order to comply with the
Court's deadline for filing dispositive motions." (See ECF 22 at 4:8-10.)

1	Based on the foregoing, it is hereby ORDERED that expert witness disclosures are due
2	twenty (20) days after the Court issues its order on Defendant's motion for summary judgment.
3	Dated: May 13, 2014
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7	Troy L. Nunley United States District Judge
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