

1 Defendant's motion.

2 A pretrial scheduling order "shall not be modified except upon a showing of good cause."
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.

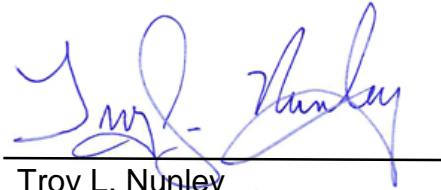
17 The Court also finds that Plaintiff would not be prejudiced by extending the deadline for
18 expert witness disclosure to twenty days after the Court issues its order on Defendant's motion for
19 summary judgment. Indeed, Plaintiff has not opposed Defendant's motion. Finally, the Court
20 finds availing 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.

26 unnecessary Defendant's request that the court set a date certain for expert witness discovery cut-
27 off. The court finds more than sufficient the pretrial scheduling order's instruction that counsel
28 "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.)

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Based on the foregoing, it is hereby ORDERED that expert witness disclosures are due twenty (20) days after the Court issues its order on Defendant's motion for summary judgment.

Dated: May 13, 2014



Troy L. Nunley
United States District Judge