

1 Also pending before the court is defendant's motion to modify the discovery and
2 scheduling order of February 14, 2014. ECF No. 39. In the motion, defendant requests a six
3 month extension of the discovery and dispositive motions deadline governing this case in order
4 "to complete discovery and obtain the necessary information to prepare her defense." Id. at 2.
5 Based on defendant's good faith efforts to meet the deadlines in the discovery schedule entered in
6 this case to date and for good cause shown, the court will grant the motion. See Fed. R. Civ. P.
7 16(b)(4).

8 Accordingly, IT IS ORDERED that:

- 9 1. Defendant's motion to dismiss (ECF No. 35) is vacated;
- 10 2. Defendant may, within fourteen days, bring a motion for summary judgment pursuant
11 to Fed. R. Civ. P. 56 on the issue of administrative exhaustion. In doing so, defendant must
12 provide plaintiff with the notice required under Rand v. Rowland, 154 F.3d 952, 957 (9th Cir.
13 1998) (en banc);
- 14 3. The discovery deadline is extended to December 14, 2014. Any motions necessary to
15 compel discovery shall be filed by that date. All requests for discovery pursuant to Fed. R. Civ.
16 P. 31, 33, 34 or 36 shall be served not later than sixty days prior to that date (October 15, 2014);
- 17 4. All pretrial motions, except motions to compel discovery, shall be filed on or before
18 April 1, 2015; and,
- 19 5. All other provisions of this Court's February 14, 2014 Discovery and Scheduling Order
20 remain in effect.

21 DATED: April 22, 2014

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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