

1 WHEREAS, this is a products liability case in which Plaintiff claims that an electric cable
2 distributed or supplied by Graybar contained a manufacturing defect that caused a fire on
3 Plaintiff's property (*see* Second Amend. Compl. Doc. # 40, at ¶¶ 8-11);

4 WHEREAS, this Court, after reviewing the parties' Joint Status Report, entered a Status
5 (Pretrial Scheduling) Order (the "Order") on June 2, 2014, establishing various pleading and
6 discovery deadlines and setting the case for a jury trial on September 9, 2015 (Doc. # 44);

7 WHEREAS, pursuant to the Order, the parties have until December 5, 2014, to join
8 additional parties or amend the pleadings:

9 Defendant indicates that it may seek to implead one or more third-party
10 defendants for contribution and/or indemnity, and shall do so by no later than
11 December 5, 2014. After that date, no further joinder of parties or amendments to
12 pleadings will be permitted except with leave of court, good cause having been
13 shown under Federal Rule of Civil Procedure 16(b).

14 (Doc. #: 44 at § II.)

15 WHEREAS, a scheduling order entered pursuant to RULE 16(b) "may be modified only for
16 good cause and with the judge's consent." FED. R. CIV. P. 16(b)(4).

17 WHEREAS, good cause exists in that it is anticipated the parties will seek to join or
18 implead the manufacturer of the electric cable at issue should the manufacturer be identified;

19 WHEREAS, good cause exists in that the parties have conducted written discovery,
20 physical inspections of Plaintiff's property and the electrical cable, and Defendant has conducted
21 extensive third-party discovery but, to date, the manufacturer has not yet been identified;

22 WHEREAS, good cause exists in that it is anticipated that additional discovery and
23 investigation may lead to the identification of the cable manufacturer;


24 WHEREAS, it is agreed that, to allow the parties to continue their respective investigations
25 and conduct additional discovery to identify the manufacturer of the electric cable, the deadline for
26 joining parties and amending the pleadings be continued to February 27, 2015;

1 **ORDER**

2

3 **IT IS SO ORDERED THAT**, good cause having been shown, the stipulated party joinder
4 and pleading amendment deadline proposed by the parties is approved and adopted by this Court.
5 The parties shall have until no later than February 27, 2015, to seek leave to join additional parties
6 or amend the pleadings. After that date, no further joinder of parties or amendments to pleadings
7 will be permitted except with leave of the court, good cause having been shown under FEDERAL
8 RULE OF CIVIL PROCEDURE 16(b).

9 Dated: November 24, 2014

10 
11 _____
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE