



1 2. Plaintiff shall, on or before October 20, 2017: (1) serve his  
2 responses to Defendant's Special Interrogatories, Set One, and  
3 Defendant's Requests for Production of Documents, Set One; and  
4 (2) provide defense counsel with at least three (3) dates, none later  
5 than December 1, 2017, when plaintiff is available to participate in  
6 his deposition. Defense counsel is directed to conduct plaintiff's  
7 deposition at a location and time convenient to plaintiff, in  
8 deference to his health needs.

9 3. The discovery deadline, which expired on June 30, 2017, is  
10 extended only for these limited purposes.

11 4. The deadline for filing dispositive motions is extended from  
12 December 15, 2017 to February 16, 2018.

13 Currently pending are defendant's alternative discovery motions: the first, filed  
14 November 3, 2017, seeks to compel plaintiff's compliance with the court's August 24, 2017  
15 order, and for sanctions, ECF No. 43; the second, filed January 5, 2018, requests extensions of the  
16 discovery and dispositive motion deadlines for the purpose of again attempt to conclude this stage  
17 of the litigation, ECF No. 45. Plaintiff has responded with an opposition and letter that seek to  
18 underscore both his ongoing medical needs and prior attempts to cooperate with defense counsel.  
19 ECF Nos. 44, 45.

20 The court will again extend deadlines in this case, but for the last time. Plaintiff is  
21 informed that should he fail to cooperate with defense counsel to conclude all outstanding  
22 discovery, including the taking of plaintiff's deposition, or fail to adhere to the deadlines now set  
23 by this court, the undersigned will recommend to the assigned district judge that this action be  
24 dismissed due to plaintiff's failure to prosecute and failure to adhere to the rules and orders of this  
25 court. See Fed. R. Civ. P. 11, 41(b); see also Local Rule 110.

26 Accordingly, IT IS HEREBY ORDERED that:

27 1. Defendant's motion to compel and for sanctions, ECF No. 43, is granted in part; no  
28 sanctions will be imposed at this time.

2. Defendant's motion to extend the discovery and dispositive motion deadlines, ECF No.  
46, is granted.

3. Plaintiff shall, on or before **Friday, May 18, 2018**: (1) serve his responses to  
Defendant's Special Interrogatories, Set One, and Defendant's Requests for Production of

1 Documents, Set One; and (2) provide defense counsel with at least three (3) dates, none later than  
2 **June 15, 2018**, when plaintiff is available to participate in his deposition. Defense counsel shall  
3 conduct plaintiff's deposition at a location and time convenient to plaintiff, in deference to his  
4 health needs.


5 4. The discovery deadline is extended through **June 15, 2018**, only for these limited  
6 purposes.

7 5. The deadline for filing dispositive motions is extended to **August 31, 2018**.

8 6. Should plaintiff fail to meet any of these deadlines, without a well-supported showing  
9 of extraordinary cause, this court will recommend the dismissal of this action due to plaintiff's  
10 failure to prosecute and failure to adhere to the rules and orders of this court. See Fed. R. Civ. P.  
11 11, 41(b); see also Local Rule 110.

12 IT IS SO ORDERED.

13 DATED: March 28, 2018.

14  
15   
16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28