

1 One, and (2) plaintiff to provide defense counsel with at least three (3) dates, none later than
2 June 15, 2018, for his deposition. See ECF No. 47 at 2-3. Defense counsel was directed to
3 conduct plaintiff's deposition "at a location and time convenient to plaintiff, in deference to his
4 health needs." Id. at 3. The court extended the discovery deadline to June 15, 2018, for these
5 limited purposes, and extended the dispositive motion deadline to August 31, 2018. Id.
6 Significantly, the court informed plaintiff that no further extensions of time would be granted,
7 explaining, id. at 2:

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

17 The court further warned, id. at 3:

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

23 On May 17, 2018, plaintiff filed the pending request for extended time,¹ on the ground
24 that defense counsel failed to respond to plaintiff's telephone calls. See ECF No. 48. Defense
25 counsel has filed an opposition detailing how he responded to plaintiff's voicemails (including
26 conversing with plaintiff's wife, at plaintiff's request), and stating that he spoke directly with
27 plaintiff on May 15, 2018. On that date, the parties agreed to a tentative deposition date of June
28 6, 2018, at 10:00 a.m., at plaintiff's home, provided defense counsel first received plaintiff's
written discovery responses. Defense counsel offered an informal one-week extension of time, to
May 25, 2018, to receive plaintiff's written discovery responses. See ECF No. 49. The next
communication defense counsel received was notice of the court's electronic filing of plaintiff's
pending request.


¹ The court liberally construes plaintiff's request which more specifically asks the court to
"vacate" defendant's pending discovery requests. See ECF No. 47.

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The court will enforce the deadlines established by order filed March 29, 2018 (ECF No. 47). Plaintiff has failed to demonstrate any cause for further authorized delay in this case. The parties are encouraged to resolve the outstanding discovery matters informally, subject to the final June 15, 2018 discovery deadline. Failure of plaintiff to provide written discovery responses or to attend his deposition may, upon a properly-supported defense motion filed and served after June 15, 2018, result in the imposition of sanctions that may include the deemed admission or preclusion of disputed facts or dismissal of this case. See Fed. R. Civ. P. 37.

Accordingly, IT IS HEREBY ORDERED that plaintiff's request for additional time to conduct discovery, ECF No. 48, is DENIED.

DATED: May 23, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE