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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   FEDERAL INSURANCE COMPANY,   No. 2:16-cv-1678-TLN-EFB

12   Plaintiff,

13   v.   ORDER

14   WHIRLPOOL CORPORATION, et al.,

15   Defendants.

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17   On February 15, 2017, plaintiff filed a motion to compel defendants 3M Company and

18   Whirlpool Corporation to provide further responses to plaintiff's Interrogatories and Request for

19   Production of Documents. ECF No. 24. Plaintiff noticed its motion for hearing on March 8,

20   2017. *Id.*

21   The assigned district judge previously issued a Status (Pre-trial Scheduling) Order, which

22   provides that all discovery shall be completed by March 12, 2017, which is a Sunday. ECF No.

23   23 at 2. The order further provides that "'completed' means that "all discovery shall have been

24   conduct so that all depositions have been taken and any disputes relative to discovery shall have

25   been resolved by appropriate order if necessary and, where discovery has been ordered, the order

26   has been obeyed." *Id.*

27   Plaintiff noticed its discovery motion for hearing just three business days prior to the close

28   of discovery. Even if the court were to find that plaintiff is entitled to the relief sought—an order

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1 compelling defendants to produce documents and responses to interrogatories—defendants would

2 not have sufficient time to comply with such an order.

3   Accordingly, the court finds that plaintiff's motion to compel is untimely under the court's

4 scheduling order. Further, any request to modify the scheduling order must be presented to and

5 approved by the district judge and be supported by a showing of good cause. *See* Fed. R. Civ. P.

6 16(b)(4).

7   Accordingly, plaintiff's motion to compel (ECF No. 24) is denied without prejudice and

8 the March 8, 2017 hearing thereon is vacated.

9   So Ordered

10 DATED: March 2, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE