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12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **EASTERN DISTRICT OF CALIFORNIA**  
 15 **SACRAMENTO DIVISION**

<p>16 ALLIED WORLD INSURANCE COMPANY,          a Delaware corporation,          17          Plaintiff,          18          v.          19          NEW PARADIGM PROPERTY          MANAGEMENT, LLC, a California          20 Corporation, and DOES 1 through 20, inclusive,          21          Defendants.</p>	<p>Case No. 2:16-CV-02992-MCE-GGH   <b>Ex Parte Motion for Request to Modify          Pretrial Order By Stipulation to Extend Fact          Discovery By An Additional Forty-Five Days</b></p>
<p>23 NEW PARADIGM PROPERTY          MANAGEMENT, LLC, a California          24 Corporation,          25          Plaintiff,          26          v.          27 ALLIED WORLD INSURANCE COMPANY,          a Delaware corporation, and DOES 1 through          28 200, inclusive          Defendants.</p>	<p>Case No. 2:17-cv-00552-KJM-CKD          (Administratively and consolidated with case          2:16-CV-02992-MCE-GGH)</p>

1 Pursuant to Local Rule 143 and Federal Rule of Civil Procedure (FRCP) 16(b)(4),  
2 Defendant, NEW PARADIGM PROPERTY MANAGEMENT, LLC (hereinafter Defendant),  
3 and Plaintiff, ALLIED WORLD INSURANCE COMPANY (hereinafter Plaintiff) by and  
4 through the undersigned counsel, hereby jointly stipulate and request this Court to issue an Order  
5 to modify the Initial Pretrial Scheduling Order (ECF No. 3) (hereinafter “Initial Pretrial  
6 Scheduling Order” or “Pretrial Order”) for case 2:16-CV-02992-MCE-GGH, by extending the  
7 dates for conclusion of fact discovery by an additional forty-five days from the current fact  
8 discovery deadline of June 19, 2018—to August 3, 2018, with all other deadlines to remain as  
9 deadlines to remain as governed by the Initial Pretrial Scheduling Order.  
10

11 The Initial Pretrial Scheduling Order allocated 365 days for fact discovery until  
12 December 22, 2017 (ECF No. 3). Discovery including initial Rule 26(f) disclosures was then  
13 placed on hold pending ruling on Defendant’s Motion to Compel Arbitration (ECF No. 23),  
14 which was denied on September 28, 2017. Shortly after denial of the motion on October 16,  
15 2017, the court granted a joint request to extend fact discovery by 120 days to April 20, 2018  
16 (ECF No. 28) and by 60 days to June 19, 2018 (ECF No. 31). However, even with these  
17 modifications, the total time period for fact discovery on this complex construction dispute has  
18 been slightly less than 9 months, in place of the original 365 days allocated to discovery.  
19

20 The parties have to date since October diligently engaged in discovery consisting of  
21 the exchange of several rounds of very lengthy written discovery, including amended and  
22 supplemental responses after meet and confers, and the exchange of several binders of  
23 documents concerning the construction project obtained both from the parties and from third  
24 parties through subpoena.  
25

26 The last of the responses to document production requests was accomplished in early  
27 March. Since that exchange and in April and May of 2018, the parties have exchanged additional  
28 lengthy rounds of written discovery and produced thousands of pages of additional documents

1 pursuant to follow-up requests. Following the exchange of the extensive written discovery, the  
2 parties have now identified numerous witnesses for deposition—including party-affiliated PMQ  
3 witnesses and other non-party witnesses. After conferring on deposition scheduling, the parties  
4 recognize that it will be extremely difficult to schedule and conclude all of the necessary PMQ  
5 and third party witness depositions by June 19, 2018—which include former employees of the  
6 parties—plus any attendant discovery that may be required as a result of the depositions. In  
7 particular, the availability of one party’s PMQ witness has been limited due to his appearance as  
8 a party representative at a lengthy arbitration, and their availability of the other party’s PMQ has  
9 been limited because he will be out of the country until after the current discovery cut-off. The  
10 parties respectfully submit that they have been dutiful in conducting extensive discovery to date  
11 during a compressed time period—and would greatly appreciate an additional forty-five day  
12 extension to conclude fact discovery in an orderly manner.  
13

14  
15           FRCP 16(b)(4) allows a court to modify a scheduling order upon a showing of “good  
16 cause.” According to the Ninth Circuit Court, the “good cause” standard required is primarily  
17 concerned with the diligence taken by the party seeking the extension. *Johnson v. Mammoth*  
18 *Recreations, Inc*, 975 F.2d 604, 609 (9<sup>th</sup> Cir. 1992). A court may modify the scheduling order  
19 should the given deadlines not be reasonably able to be met, despite diligent efforts. *Jackson v.*  
20 *Laureate, Inc.*, 186 F.R.D. 605, 608 (E.D. CA 1999) issues its.  
21

22           This Stipulated Request to Modify the Pretrial Order is supported by good cause.  
23 The parties hereby respectfully request that this Court modify the Pretrial Order by extending the  
24 fact discovery deadline by an additional forty-five days.

25 This would result in the following new deadlines:

26 Fact Discovery: August 3, 2018.

27 All other deadlines in the Pretrial Order remain unchanged.

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**GASCOU HOPKINS LLP**

Dated: May 23, 2018

By:                     /Ronald Hopkins/                    

RONALD W. HOPKINS

Attorneys for Plaintiff/Counter-Defendant

ALLIED WORLD INSURANCE COMPANY

Dated: May 23, 2018

**PORTER LAW GROUP, INC.**

By:                     /Brittany Rupley Haefe/                    

BRITTANY RUPLEY HAEFELE

Attorneys for Defendant/Counter-Claimant


NEW PARADIGM PROPERTY

MANAGEMENT, LLC

**ORDER**

IT IS SO ORDERED.

Dated: June 7, 2018

  
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MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE