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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ADVANCED LABORATORIES,
INTERNATIONAL, LLC,

No. 2:17-CV-0141-TLN-CMK

Plaintiff,

vs.

ORDER

VALENTUS INTERNATIONAL,
et al.,

Defendants.

VALENTUS, INC., et al.,

Counterclaimants,

vs.

ADVANCED LABORATORY
INTERNATIONAL, LLC, et al.,

Counterdefendants.

Plaintiff brings this civil action for breach of contract. Currently pending before
the court are plaintiff's three separate motions to compel (see Docs. 24, 25, and 29). Also before

1 the court is defendant's application for an order to show cause (see Doc. 38). All three matters
2 are set for hearing before the undersigned in Redding, California, on January 31, 2018. The
3 parties have submitted a stipulation and proposed order continuing the hearing on all three
4 matters to February 21, 2018 (see Doc. 41).

5 The court declines to approve the stipulated proposed order to continue the
6 January 31, 2018, hearing to February 21, 2018. On May 3, 2017, the District Judge assigned to
7 this case issued a pre-trial scheduling order which, among other things, directed that discovery be
8 completed by December 29, 2017. In the context of the scheduling order, "completed" means
9 that any discovery disputes have been resolved and, if discovery is ordered, such order has been
10 obeyed by the cut-off date. The District Judge's order further provided that the schedule could
11 not be modified pursuant to stipulation of the parties. On December 7, 2017, the District Judge
12 granted the parties' request to modify the scheduling order and continued the deadline for
13 completion of discovery to February 7, 2018. The parties' current stipulated order to continue
14 the hearing on the pending motions to February 21, 2018, would have the effect of an
15 impermissible modification of the schedule established by the District Judge. Before the
16 undersigned can entertain a request for a continuance beyond the current discovery cut-off date,
17 the parties would need to obtain an order from the District Judge further modifying the schedule.
18 Absent such an order and a renewed request for a continuance, the pending motions and
19 application for an order to show cause remain on calendar for hearing on January 31, 2018.

20 Accordingly, IT IS HEREBY ORDERED that the court declines to approve the
21 parties' stipulated order for a continuance (Doc. 41).

22
23 DATED: January 23, 2018

24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE