

1 On January 27, 2020, plaintiffs filed a request to appear at the February 12, 2020 hearing
2 telephonically. (ECF No. 42.) Plaintiffs acknowledged the motion for summary judgment was
3 filed on January 16, 2020 and claimed there were medical complications that made it impossible
4 for them to travel to Sacramento for the February 12, 2020 hearing. (Id.)

5 Despite having obviously received notice of the motion for summary judgment and in fact
6 acknowledging this notice by asking over a week ago to appear at the hearing telephonically,
7 plaintiffs claimed in their February 4, 2020 ex parte motion that “[i]t wasn’t until . . . February 3,
8 2020 that I checked the efile system and found out that the Defendants had file[d] a Motion for
9 Summary Judgment.” (ECF No. 44 at 5.) The court is troubled by the plaintiffs’ assertion in
10 light of the following facts: (1) on January 10, 2020, notice of the motion was e-mailed to them;¹
11 (2) on January 16, 2020, the notice of the motion was mailed to them; and (3) on January 27,
12 2020, plaintiffs asked to appear at the hearing telephonically, which request expressly confirmed
13 the motion was filed on January 16, 2020 (ECF No. 42). It is impossible that plaintiffs did not
14 learn of the motion until February 3, 2020 as they now claim. Plaintiffs are strongly cautioned
15 that misrepresentations to the court will be met with sanctions. L.R. 110 (“Failure of counsel or
16 of a party to comply with these Rules or with any order of the Court may be grounds for
17 imposition by the Court of any and all sanctions authorized by statute or Rule or within the
18 inherent power of the Court.”).

19 Despite plaintiffs’ delay, the court maintains a desire to resolve this action on the merits.
20 To that end, the court hereby modifies its Status (Pretrial Scheduling) Order as follows: All
21 pretrial motions shall be completed by March 25, 2020. As stated before, the word “completed”
22 in this context means that all law and motion matters must be heard by the above date.

23 The court will not sua sponte extend this date a second time, and this date will not be
24 changed except with leave of court, good cause having been shown. See Fed. R. Civ. P. 16;
25 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992). This means that the parties

26 ¹ The court notes that this email was returned as undeliverable. However, it is plaintiffs’ duty to
27 keep the court informed of their current contact information, and service of the motion at the
28 email address on record was fully effective absent the filing of a notice of change of email
address.

1 cannot stipulate to changing this date—it can only be changed by the court. Plaintiffs are
2 cautioned that a failure to update their contact information or comply with the Local Rules will
3 not meet the high threshold of establishing good cause for extending this date, which requires a
4 showing of diligence. See Johnson, 975 F.2d at 609 (explaining that “good cause” exists if a
5 party can demonstrate that the schedule “cannot reasonably be met despite the diligence of the
6 party seeking the extension”).

7 IT IS SO ORDERED.

8 Dated: February 6, 2020

9 
10 _____
11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE

13 15 ramirez632.scheduling
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28