

1 Defendants have now moved for an additional sixty-day extension of the discovery
2 deadline based on difficulties in taking plaintiff's deposition due to the COVID-19 pandemic.
3 Defendants argue that they are unable to take plaintiff's deposition in person, there is currently a
4 high demand on video equipment at California Health Care Facility ("CHCF"), and taking
5 plaintiff's deposition by phone is impossible based on limitations on staff and inmate movement.
6 (ECF No. 104 at 4-5.) Defendants further state that the California Department of Corrections and
7 Rehabilitation ("CDCR"), has requested depositions be continued and does not anticipate being
8 able to accommodate depositions until October. (Id. at 3.) Defendants also indicate, that as of the
9 filing of their motion, there were no known active inmate cases of COVID-19 at CHCF.

10 It is unclear from defendants' motion if they have attempted to schedule a deposition.
11 However, they have indicated that CDCR anticipates it may be able to accommodate depositions
12 in October. The court finds that defendants have not shown good cause for a sixty-day extension
13 of time. Accordingly, the court will grant a thirty-day extension of time to conduct plaintiff's
14 deposition and to the dispositive motion deadline. In any future motion to extend the deadline to
15 conduct plaintiff's deposition, defendants should indicate what efforts have been made to
16 schedule plaintiff's deposition.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Defendant's motion to modify the Discovery and Scheduling Order (ECF No. 104) is
19 granted in part;
- 20 2. The deadline for taking plaintiff's deposition is continued to November 5, 2020.
- 21 3. The deadline for filing dispositive pre-trial motions is continued to January 22, 2021.

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4. In all other respects, the court's November 6, 2019 Discovery and Scheduling Order remains the same.

Dated: October 4, 2020



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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