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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 SAMUEL B. JOHNSON III,

No. C 07-05756 SI

9 Plaintiff,

**ORDER RE: PLAINTIFF'S REQUEST  
TO MODIFY PRETRIAL ORDER and  
DENYING DEFENDANTS' MOTION  
FOR SANCTIONS**

10 v.

11 CHEVRON CORPORATION, *et al.*,

12 Defendants.  
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14 Plaintiff has filed motions a motion to modify the Court's pretrial scheduling order. The motion  
15 is scheduled for a hearing on October 31, 2008. In addition, by letter brief defendants have moved for  
16 monetary sanctions against plaintiff. [Docket No. 152] Pursuant to Civil Local Rule 7-1(b), the Court  
17 determines that these matters are appropriate for resolution without oral argument and VACATES the  
18 October 31, 2008 hearing. For the following reasons and for good cause shown, the Court GRANTS  
19 plaintiff's motion only to the extent that all deadlines are extended for two months and DENIES  
20 defendants' motion.

21 Plaintiff has moved to modify the Court's May 22, 2008 Pretrial Preparation Order [Docket No.  
22 50], which set September 26, 2008 as the deadline for non-expert discovery and April 20, 2009 as the  
23 trial date. Plaintiff contends that postponement is necessary to resolve ongoing discovery disputes as  
24 well as for new discovery relating to defendants named in his first amended complaint [Docket No.  
25 154]. Plaintiff proposes April, 2010 as a new trial date. Defendants agree to a two-month continuance  
26 of the Court's deadlines, such that the non-expert discovery deadline would be continued until  
27 November 26, 2008 and the trial would be continued until June, 2009.

28 The Court granted plaintiff leave to file a first amended complaint more than two month ago,

1 on August 14, 2008. [Docket No. 114] The Court finds that a two-month extension is sufficient to  
2 resolve ongoing discovery disputes and for additional discovery relating to the defendants added in  
3 plaintiff's first amended complaint. Accordingly, the Court modifies its May 22, 2008 Pretrial  
4 Preparation Order and extends each of the deadlines set forth in the Order by approximately two months.  
5 The new schedule is as follows:

6	Non-expert discovery cut-off	November 26, 2008
7	Designate expert witnesses	December 12, 2008
8	Expert discovery cut-off	January 23, 3009
9	Dispositive motions filed (maximum 1 per party)	March 13, 2009
10	Oppositions filed	March 27, 2009
11	Replies filed	April 3, 2009
12	Hearing	April 17, 2009 at 9:00 a.m.
13	Pretrial conference	June 9, 2009
14	Trial	June 22, 2009, 8:30 a.m.

15 Defendants' request for sanctions arises from a dispute over plaintiff's filing of his first amended  
16 complaint. Defendants contend that on September 18, 2008, plaintiff intentionally filed a complaint that  
17 violated the Court's August 14 Order granting plaintiff leave to file a first amended complaint. Plaintiff  
18 responds that the filing was mistaken and in the interim has corrected it. The Court finds that sanctions  
19 are not warranted at this time as some confusion may have arisen from the statement in the Order that  
20 plaintiff could expand on the factual allegations of the initial complaint. However, the Court notes that  
21 plaintiff's pleadings, letters and e-mails have been unnecessarily numerous, prolix and vituperative and  
22 cautions him that sanctions may be imposed in the future if such conduct continues.  
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24 **IT IS SO ORDERED.**

25 Dated: October 29, 2008

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28 SUSAN ILLSTON  
United States District Judge