

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FOAD ALOWDI,

Plaintiff,

No. C 09-01258 WHA

v.

ABLE BUILDING SERVICES d/b/a ABM,
MANILO GARCIA, and ROBERT
ESQUADA,

Defendants.

**ORDER GRANTING APPLICATION
TO SHORTEN TIME FOR
HEARING OF PLAINTIFF'S
MOTION TO AMEND COMPLAINT
AND CASE SCHEDULE**

Pursuant to the case management order entered in this matter, the deadline to amend the pleadings was September 30, 2009. That deadline is now long since passed and trial is scheduled to begin on July 12, 2010. On February 9, 2010, the parties stipulated to seek leave to amend the case management order to permit plaintiff to file a fourth amended complaint. They also sought to adjust the trial date and other pretrial deadlines. Because the parties' stipulation did not provide a reason that the amendment should be allowed except for the agreement of the parties, the request to amend was denied without prejudice to trying again.

Now plaintiff has filed a renewed motion to amend his complaint and the case management order. He seeks to extend the fact discovery cut-off in this action from February 25, 2010, until his motion to amend his complaint and the case management order can be heard, and seeks to shorten time for hearing the motion to March 11, 2010. He has submitted a sworn declaration stating that defendants have informed plaintiff's counsel that they do not oppose the motion to shorten time or the motion to amend the complaint and the case management order.

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For good cause shown, plaintiff's motion to shorten time is **GRANTED**. Plaintiff's motion to amend the complaint and scheduling order shall be heard on **MARCH 11, 2010, AT 8:00 A.M.** However, the fact discovery cut-off of February 25, 2010, as set in the case management order, shall not be extended at this time. Plaintiff states that the discovery cut-off should be extended because defendants "have still not provided sufficient information and documentation in response to discovery propounded on September 3, 2010, regarding the original issues in the case" (Br. at 2). Plaintiff should have been more diligent in moving to compel responses to his discovery requests propounded almost six months ago.

IT IS SO ORDERED.

Dated: February 23, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE