

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

JUAN and JUANA DOMINGUEZ,

Plaintiff,

No. 09-3611 EDL

v.
EXCEL MANUFACTURING, INC.,

Defendant.

**ORDER CONTINUING FACT
DISCOVERY CUTOFF AND
DISPOSITIVE MOTION DEADLINE**

This is a personal injury action against a machine manufacturer relating to serious injuries sustained by Plaintiff during his use of a “horizontal baler” machine” in the course of his employment. In its Case Management Order, the Court set a fact discovery cutoff of August 10, 2010. On August 9, 2010, Plaintiff filed a letter requesting a 30 day extension of the fact discovery cutoff because: (1) Plaintiff noticed Defendant’s deposition for August 9, but Defendant asked to reschedule; and (2) third-party discovery relating to photographs by CAL-OSHA and Pleasant Paper photographs has not been completed, though Plaintiff believed that the photographs in question were in Defendant’s possession. Defendant responded by letter on August 10, stating that it has no objection to extending time for discovery of the photographs. Defendant noted that it attached three photographs it received from CAL-OSHA to its settlement conference statement (though it is unclear if this statement and the attached photos were provided to Plaintiff), and that has not received any photographs from Pleasant Paper in response to a subpoena and person most knowledgeable deposition notice. Defendant also stated that it will produce its corporate designee on a mutually agreeable date, and that the unfinished depositions of Plaintiff and his wife will also continue on a mutually agreeable date.

It appears that both parties have not completed fact discovery prior to the cutoff, and are in agreement that an extension is needed to obtain the discovery discussed above. Good cause

1 appearing, the Court hereby Orders as follows:

- 2 • The fact discovery cutoff is continued from August 11 to September 10, 2010 for the limited
3 purpose of completing the depositions of Plaintiff and his wife and Defendant's corporate
4 designee, and attempting to obtain the photographs sought from CAL-OSHA and Pleasant
5 Paper;
- 6 • If it has not already done so, Defendant is ordered to produce the photographs it received from
7 CAL-OSHA;
- 8 • The last day for hearing dispositive motions is continued from October 5 to October 26, 2010.
9 All other dates set forth in the Case Management Order, as modified by the June 11, 2010
10 Order, remain in place.

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12 IT IS SO ORDERED.

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14 Dated: August 12, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge