

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

RES-CARE INC.,

No. C-09-03856 EDL

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
ADMINISTRATIVE MOTION TO
EXTEND EXPERT DISCOVERY
CUTOFF DATE**

v.

ROTO-ROOTER SERVICES COMPANY,

Defendant.

On September 10, 2010, Plaintiff filed an administrative motion seeking to extend the September 30, 2010 expert discovery cutoff date to October 15, 2010. On September 15, 2010, Defendant Roto-Rooter filed an opposition. Defendant Leonard Valve has not filed any opposition.

Plaintiff stated that it had reached an agreement with Defendant Leonard Valve to extend the expert discovery cutoff date to depose three of Plaintiff's expert witnesses by October 8, 2010. There has been no opposition by any Defendant to taking these depositions by October 8, 2010. Accordingly, pursuant to the agreement between Plaintiff and Leonard Valve, there is good cause to extend the expert discovery cutoff date to October 8, 2010 for the purpose of taking the depositions of Ron George, Adolf Wolf and Sridhar Natarajan.

Plaintiff also seeks an extension of the expert discovery cutoff date to October 15, 2010 for the purpose of completing the depositions of Roto-Rooter's experts. Plaintiff argues that because it has filed a Motion to Exclude Roto-Rooter's Experts, which is set for hearing in this Court on October 5, 2010, the Court should permit expert discovery, if any, following the ruling on the Motion to Exclude. Although the Court takes no position on the merits of Plaintiff's Motion to Exclude at this time, the Court agrees that the Motion to Exclude should be decided before the parties engage in expert discovery that may be rendered moot. Roto-Rooter opposed Plaintiff's

1 motion to extend expert discovery on the grounds that Plaintiff opposed a reasonable request to
2 extend the fact discovery cutoff earlier in this case, and that Plaintiff failed to promptly move to
3 exclude witnesses. The Court is not persuaded by Roto-Rooter's arguments. Accordingly, there is
4 good cause to extend the expert discovery cutoff date to October 15, 2010 for the purpose of
5 deposing Roto-Rooter's experts. Thus, Plaintiff's administrative motion is granted.

6 **IT IS SO ORDERED.**

7 Dated: September 21, 2010

Elijah D. Laporte

8 ELIZABETH D. LAPORTE
9 United States Magistrate Judge

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