

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DANIEL M. MILLER,
Plaintiff,

No. C 10-00264 WHA

v.

FACEBOOK, INC. and YAO WEI YEO,
Defendants.

**ORDER DENYING
PLAINTIFF'S REQUEST
TO CHANGE TIME**

On December 30, 2010, plaintiff Daniel M. Miller and defendant Facebook, Inc. filed a stipulated request for an order changing the case management schedule. The parties sought to extend each of the following deadlines by approximately two months: (1) the non-expert discovery cut-off date; (2) the last date for designation of expert testimony and disclosure of full expert reports as to any issue on which a party has the burden of proof; (3) the last date to file dispositive motions; (4) the final pretrial conference date; and (5) the beginning of the jury trial. The parties based this request on the status of their discovery efforts and the mutual observation that the parties "require additional time to conclude discovery and prepare their respective cases."

On January 3, 2011, an order was issued denying this request. Regarding the first two dates, the parties were reminded that pursuant to Civil Local Rule 6-1 they may freely stipulate to alterations of these dates without court order. Regarding the other dates, the order found that good cause for the requested extension had not been shown. The request was therefore denied.

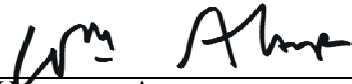
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

On January 11, plaintiff Miller filed a motion to change time that again requests an order extending each of these five deadlines by approximately two months. Miller’s motion recounts the entire procedural history of the action and claims that “[i]n light of this matter’s procedural history as set forth above and the additional time needed to address the aforementioned issues and complete all the fact and expert discovery, the Plaintiff requests that the Court enlarge those existing deadlines.” In particular, Miller emphasizes the time required to review Facebook’s document production, which consists of approximately 23,500 pages in TIFF image format.

Good cause still not having been shown, the request is **DENIED**. As the parties were advised in the January 3 order, litigation must proceed in a timely fashion, and it is incumbent upon the parties to plan and complete their discovery and case preparation within the established schedule absent unforeseen, extenuating circumstances. No such extenuating circumstances have been identified here.

IT IS SO ORDERED.

Dated: January 12, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE