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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 PRESTON D. MARSHALL,

No. C 10-1665 SI

9 Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF
DISCOVERY CUT-OFF**

10 v.

11 JOHN HUFFMAN IV, *et al.*,

12 Defendants.
13 _____/

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15 The parties have filed a letter brief concerning a dispute over scheduling the deposition of Carlos
16 McKinney. Docket No. 190.

17 Plaintiff's counsel state that they are unable to attend Mr. McKinney's deposition, which is
18 scheduled for July 16, 2013 in New York, because lead counsel has "travel obligations" and another
19 lawyer has "appellate case deadlines that preclude his attendance." Docket No. 190 at 2. Plaintiff
20 requests a one month extension of the discovery cut-off in order to reschedule Mr. McKinney's
21 deposition to August.

22 Defendant Nash, who noticed Mr. McKinney's deposition, objects to an extension on numerous
23 grounds. Defendant notes that this case has been pending for three years and that plaintiff has already
24 received one extension of the discovery cut-off. Defendant also states that defense counsel is not
25 available in August, and that there is no assurance that Mr. McKinney is available in August.

26 The Court finds that plaintiff has not established good cause for an extension of the discovery
27 cut-off. Plaintiff has had ample time to take discovery and to work with defense counsel to schedule
28 depositions. Further, it is not clear that an extension of the deadline would resolve the issue. If

1 plaintiff's counsel cannot attend Mr. McKinney's deposition in person they may participate by
2 telephone or video conference.

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4 **IT IS SO ORDERED.**

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6 Dated: July 12, 2013



SUSAN ILLSTON
United States District Judge