

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

No. MDL 05-01699 CRB

IN RE BEXTRA AND CELEBREX
MARKETING, SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION,

**ORDER RE MOTION REQUESTING
90 DAY EXTENSION OF TIME TO
COMPLETE DISCOVERY**

This document relates to:

Harril Glen Scott, 12-2033

The Court is in receipt of a Motion Requesting a 90 Day Extension of Time to Obtain Required Medical Records for Good Cause from *pro se* Plaintiff Harril Glen Scott. See Mot. (dkt. 52). Defendant Pfizer filed an opposition to this motion. See Opp'n (dkt. 53).

Plaintiff requests an extension of time in order to comply with the Court's Pretrial Order No. 31. See Mot. at 1. While Plaintiff has asked for and received an extension in the past, see Order (dkt. 35), he maintains that he needs additional time to obtain his medical records to comply with the Pretrial Order, see Mot. at 1-2. Plaintiff has submitted documents demonstrating that he is actively trying to obtain his medical records, including letters sent to the medical record archives department of the Texas Department of Criminal Justice Institutional Division, and a writ of mandamus he filed seeking an order to compel production of his records. See id., Exs.

1 Defendant objects to the extension, arguing that Plaintiff has had ample time to obtain
2 his records, and that Plaintiff has not shown that he will ever obtain his records. Opp'n at 2.
3 Further, Defendant points out that, if the extension is denied, Plaintiff will still have at least
4 two months to provide the medical records after Defendant files a Compliance Motion with
5 the Special Master. Id.

6 The Court will grant Plaintiff's motion; however, the Court provides an extension of
7 only 30 days. Moreover, this is the final extension for additional time to obtain medical
8 records that the Court will grant to Plaintiff. If Plaintiff cannot obtain his records within the
9 30 days, he will still have at least two months to obtain the records until his claims may be
10 dismissed.

11 Good cause appearing therefor, the Court GRANTS Plaintiff's Motion for an
12 Extension of Time for 30 days from the date of this Order to provide the required evidence.

13 **IT IS SO ORDERED.**

14
15 Dated: November 19, 2012



16 CHARLES R. BREYER
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28