UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WILLIA PUGH, et al.,

Plaintiff(s),

v.

DOCTORS MEDICAL CENTER, et al.,

Defendant(s).
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No. C 08-4159 PJH

SCHEDULING ORDER

Following the discussion of scheduling at the case management conference on January 21, 2010, the court orders as follows. Plaintiffs' request for a continuance of the discovery cutoff dates, expert disclosure dates and hearing date on pending motions for summary judgment is essentially a request to reopen discovery and to commence the litigation anew, in that all deadlines for these events have passed. Plaintiff's substitution of counsel, particularly in the absence of any allegation of incompetence on the part of former counsel, is insufficient to outweigh the prejudice to defendants who have prepared and filed their dispositive motions on the basis of the discovery that was timely produced. Additionally, if the discovery and pleadings were reopened as requested by plaintiffs, they are not in a position to bear the expenses incurred by defendants to prepare their pending motions and it would be unfair for the court to order defendants, who have met all of the court-imposed deadlines, to have to bear the expense of their counsel having to rewrite their motions. Thus, the court denies the request to reopen the discovery or pleadings in this case.

However, even though the court has already granted one thirty day extension for the filing of plaintiffs' opposition and for the hearing, the court grants one further and final thirty

day extension. Plaintiffs' opposition shall be filed by February 24, 2010; the reply by March 3, 2010. The hearing is continued to March 17, 2010, at 9:00 a.m.

The trial is scheduled to commence on May 10, 2010. Accordingly the pretrial papers must be filed thirty days before the April 15, 2010 pretrial conference – March 16, 2010, which is the day before the hearing on dispositive motions. So that the parties might have a few weeks to prepare their pretrial papers, the court revises the pretrial schedule as follows:

Pretrial Conference continued to:	April 29, 2010 at 2:00 p.m.
Pretrial papers to be filed:	April 5, 2010
Opposition to motions in limine to be filed:	April 15, 2010

No further continuances will be permitted.

IT IS SO ORDERED.

Dated: January 25, 2010

PHYLLIS J. HAMILTON
United States District Judge