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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIFFANY PON,  
Plaintiff,  
v.  
PIER 1 IMPORTS,  
Defendant.

No. C 09-0420 PJH

**ORDER GRANTING LIMITED  
EXTENSION OF DISCOVERY AND  
PRETRIAL DEADLINES**

**United States District Court**  
For the Northern District of California

The court is in receipt of plaintiff’s motion for an order extending all discovery and pretrial motion deadlines for a period of four months. As proof of good cause for the extension, plaintiff’s counsel attests – both in connection with this motion and in his notice of unavailability filed with the court earlier – that he will be undergoing open heart surgery beginning March 1, 2010, which surgery will necessitate a hospital stay of up to 10 days, and an eight to twelve week convalescence period. Defendant, in response, opposes plaintiff’s request on grounds that the delays in this matter have been excessive, and that plaintiff’s counsel’s request is furthermore suspect, in view of counsel’s service of a “barrage” of discovery requests upon defendant over the past two weeks.

Generally, the court finds that plaintiff’s counsel’s pending heart surgery satisfactorily establishes good cause for at least some extension of the discovery and pretrial dates currently in effect. The court additionally notes, however, that notwithstanding counsel’s representation that he will be in the hospital for up to 10 days beginning March 1, and subject to a convalescence period of up to 12 weeks, plaintiff has recently filed a motion to quash and noticed it for hearing on March 31, 2010 – approximately 4 weeks after counsel’s surgery date, and well in advance to the eight to 12 week convalescence period

1 invoked by counsel in his notice of availability.

2       Accordingly, the court GRANTS plaintiff's request for an extension of discovery and  
3 pretrial deadlines. However, the court declines to grant an extension spanning four  
4 months. Rather, the parties' discovery and pretrial deadline dates are extended by **four**  
5 **weeks** only. Should either party desire an additional extension beyond these four weeks,  
6 such a request may only be made via appearance at a further case management  
7 conference before the court, either in person or telephonically. Either party may request  
8 such a conference by contacting the courtroom deputy assigned to the undersigned.

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10 **IT IS SO ORDERED.**

11 Dated: March 1, 2010



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PHYLLIS J. HAMILTON  
United States District Judge

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