

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

TODD ASHKER, et al.,
Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,
Defendants.

No. C 09-5796 CW

ORDER AMENDING
SCHEDULE and
GRANTING MOTION
FOR LEAVE TO FILE
A SUPPLEMENTAL
BRIEF (Docket Nos.
353 and 360)

_____ /

Plaintiffs Todd Ashker, et al., have filed a motion for entry of an amended scheduling order (Docket No. 353). Defendants Governor Edmund G. Brown, et al., have filed an opposition. In addition, Plaintiffs have filed a motion for leave to file a supplemental brief in support of their aforementioned motion (Docket No. 360).

In their scheduling amendment motion, Plaintiffs requested an extension of time of one month to each deadline for disclosure of identities and reports of expert witnesses and rebuttal expert reports. They also sought a two-week extension for the completion of expert discovery. Plaintiffs argued that, due to Magistrate Judge Vadas' order requiring Defendants to produce all outstanding discovery by January 6, 2015, the number of weeks Plaintiffs had to prepare expert reports decreased from nine weeks to less than six weeks.

Defendants argue that Plaintiffs are seeking a review of Magistrate Judge Vadas' order, in which he denied Plaintiffs'

1 similar request. However, Magistrate Judge Vadas did not deny the
2 motion on its merits; rather he ruled that any further requests
3 for extensions of time had to be addressed to this Court
4 ("Plaintiffs' proper course of action for an extension of those
5 deadlines is to raise their requests in a motion before the
6 district judge"). Docket No. 352.

7 In their motion for leave to file a supplemental brief in
8 support of their motion to amend the schedule, Plaintiffs argue
9 that Defendants have not complied with Magistrate Judge Vadas'
10 order to produce all outstanding discovery by January 6, 2015.
11 Plaintiffs listed seven examples of documents and things
12 Defendants were ordered to produce but did not. Defendants argue
13 that Plaintiffs' characterization of their compliance with the
14 discovery order is misleading.

15 The Court GRANTS Plaintiffs' motion for entry of an amended
16 discovery schedule (Docket No. 353) and GRANTS leave to file the
17 proffered supplemental brief in support of their motion (Docket
18 No. 360). Disclosure of identities and reports of expert
19 witnesses and rebuttal expert reports shall be completed no later
20 than March 13, 2015 and April 15, 2015, respectively. Expert
21 discovery shall be completed by May 29, 2015. All other dates
22 remain the same.

23 IT IS SO ORDERED.

24
25 Dated: January 21, 2015


CLAUDIA WILKEN
United States District Judge

26
27
28