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UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

JAMES ELLIS JOHNSON,

No. C 10-00647 LB

Plaintiff,

**ORDER GRANTING DEFENDANT'S
SECOND MOTION FOR AN
EXTENSION OF TIME TO
COMPLETE DISCOVERY AND
DIRECTING PARTIES TO COMPLY
WITH STANDING ORDER WITH
RESPECT TO ANY DISCOVERY
DISPUTE**

v.

UNITED STATES,

Defendant.

[Re: ECF Nos. 95, 96]

On December 15, 2011, this court granted Defendant's motion to extend the expert discovery cut-off from December 15, 2011 to December 29, 2011 and the deadline for hearing any dispositive motions from February 2, 2012 to February 16, 2012. Order Granting Defendant's First Request for Extension of Time, ECF No. 94.¹

On December 29, 2011 – the current expert discovery cut-off – Defendant filed a second motion to extend the deadlines. Motion, ECF No. 95. Defendant proposed that the court extend the expert discovery cut-off from December 29, 2011 to January 12, 2012 and the deadline for hearing any dispositive motions from February 16, 2012 to March 1, 2012. *Id.* at 3. The reason for this request is that Dr. Small apparently is unavailable for a deposition until January 10, 2012 (a date which

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 Defendant has now reserved). *Id.* at 2.

2 Plaintiff opposed Defendant's motion. Opposition, ECF No. 96. He questions why Defendant
3 did not find out Dr. Small's availability before requesting the first extension of time. *Id.* at 1. Fair
4 enough, but the court does not believe that minor oversight should prevent Defendant's proposed
5 extension now. Accordingly, the court GRANTS Defendant's motion. The new expert discovery
6 cut-off is January 12, 2012 and the new deadline for hearing any dispositive motions is March 1,
7 2012. All other pending deadlines, such as the May 21, 2012 trial date, remain the same.

8 Finally, the court notes that Plaintiff devotes much of his opposition to his problems with certain
9 of Defendant's discovery responses and Defendant's actions during the discovery process. See *id.* at
10 2-3. As the court noted at the December 15, 2011 Further Case Management Conference, to the
11 extent that Plaintiff and Defendant have any discovery disputes, they are directed to comply with the
12 procedures set forth in the undersigned's Standing Order.

13 This disposes of ECF No. 95.

14 **IT IS SO ORDERED.**

15 Dated: January 3, 2012

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LAUREL BEELER
United States Magistrate Judge

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