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UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

SALVADOR MANDUJANO,

No. C 10-01226 LB

Plaintiff,

**ORDER DENYING STIPULATION
TO EXTEND EXPERT DISCOVERY**

v.

TIMOTHY F. GEITHNER,

[ECF No. 95]

Defendant.

On July 20, 2011, Plaintiff Salvador Mandujano and Defendant Timothy Geithner filed a stipulation and proposed order to extend expert discovery from July 11, 2011 to August 25, 2011. ECF No. 95 at 1-2.¹ The court previously extended the date to complete expert discovery to July 11, 2011, because the parties were unable to schedule a mental health examination prior to its original deadline. ECF No. 64 at 4.

Rule 16 of the Federal Rules of Civil Procedure requires district judges to enter case management schedules and provides that such schedules “may be modified only for good cause[.]” Fed.R.Civ.P. 16(b)(4); see *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” *Johnson*, 975 F.2d at 609.

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.

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In this case, although the government signed the stipulation three days prior to the hearing on the motions for summary judgment, Mandujano filed the stipulation 23 days *after* the court granted summary judgment in favor of Geithner, thereby resolving all of Mandujano’s claims. Additionally, the stipulation was filed nine days after the expert discovery deadline and did not provide any explanation as to why “good cause” exists to extend the deadline *nunc pro tunc*.

Accordingly, the court **DENIES** the parties’ stipulation to extend the expert discovery deadline. This disposes of ECF No. 95.

IT IS SO ORDERED.

Dated: August 12, 2011



LAUREL BEELER
United States Magistrate Judge