UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YESENIA GUITRON and JUDI KLOSEK,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.
_____/

No. C 10-3461 CW (MEJ)

DISCOVERY ORDER

Re: Docket No. 99

Pending before the Court is the parties' joint discovery dispute letter filed on December 14, 2011. Dkt. No. 99. In the joint letter, Defendants Wells Fargo Bank, N.A., Wells Fargo & Co., and Pam Rubio seek to compel the deposition of Dreydy Metelin on a mutually convenient date before trial. Defendants argue that good cause exists to grant their request because "Plaintiffs Yesenia Guitron and Judi Klosek engaged in obstruction of Defendants' ability to take Ms. Metelin's deposition before the fact discovery cut-off date—October 5, 2011—in this action." *Id.* Federal Rule of Civil Procedure 16(b)(4) permits a court to modify a scheduling order for good cause. However, it is up to the presiding judge to determine whether a scheduling order should be modified. Accordingly, Defendants' request is DENIED WITHOUT PREJUDICE to bringing the request before the presiding judge, the Honorable Claudia Wilken.

IT IS SO ORDERED.

Dated: December 14, 2011

Maria-Elena James
Chief United States Magistrate Judge