

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 CRAIG YATES, an individual,

6 Plaintiff,

7 vs.

8 SWEET POTATO ENTERPRISES, INC., a
9 California corporation dba POPEYES STORE
2794; et al.,

10 Defendants.

Case No: C 11-1950 SBA

**ORDER DENYING STIPULATION
TO MODIFY PRETRIAL
SCHEDULE**

Dkt. 21

11
12 The parties have filed a stipulation to modify the Court's pretrial schedule. Federal
13 Rule of Civil Procedure 16 provides that deadlines established in a pretrial scheduling may
14 "be modified only for good cause[.]" Fed. R. Civ. P. 16(b)(4). "Good cause" exists when a
15 deadline "cannot reasonably be met despite the diligence of the party seeking the
16 extension." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)
17 (citation omitted). Thus, "Rule 16(b)'s 'good cause' standard primarily considers the
18 diligence of the party seeking the amendment." Id.; see also Coleman v. Quaker Oats Co.,
19 232 F.3d 1271, 1294 (9th Cir. 2000). Where the moving party has not been diligent, the
20 inquiry ends and the motion should be denied. Zivkovic v. S. Cal. Edison Co., 302 F.3d
21 1080, 1087 (9th Cir.2002); Johnson, 975 F.2d at 609. Here, the parties' stipulation fails to
22 specify the basis or otherwise establish good cause for their proposed request.

23 Accordingly,

24 IT IS HEREBY ORDERED THAT the parties' stipulation to modify the Court's
25 pretrial scheduling order is DENIED.

26 IT IS SO ORDERED.

27 Dated: 10/18/12

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge