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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 CENTURY ALUMINUM COMPANY, et al.,

11 Plaintiffs,

12 v.

13 AGCS MARINE INSURANCE CO.,

14 Defendant.
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Case No. 11-cv-02514 YGR (NC)

**ORDER DENYING
STIPULATION TO EXTEND
DISCOVERY DEADLINE**

Re: Dkt. No. 225

18 This order addresses the stipulated request to further extend by two weeks the
19 deadline for expert discovery in this case. Dkt. No. 225. The present deadline is
20 October 5, 2012. The asserted reason for the request is that one of the defendant's
21 attorneys, John Nicoletti, underwent eye surgery on September 5. This Court commonly
22 grants joint scheduling requests, but exercises its discretion here to deny the request for
23 the following reasons:

24 (1) This is the second requested extension of expert discovery. The Court
25 previously extended the deadline from August 31 to October 5. Dkt. No. 175. The
26 Court finds that the parties have not established diligence in taking advantage of the first
27 extension.
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1 (2) The requested extension will likely delay trial preparations. Under the
2 schedule set by District Judge Gonzalez Rogers, pretrial statements are due November 2,
3 the pretrial conference is November 16, and trial is December 3. If the parties are to
4 meet these trial deadlines, they need to complete expert discovery within the current time
5 period. If the parties desire to modify the trial schedule, that request must be directed to
6 the trial judge. And,

7 (3) Mr. Nicoletti is one of seven attorneys, from two prominent law firms,
8 appearing for defendant in this case. The motion does not establish how defendant
9 would be prejudiced if he is not able to participate fully in the remaining expert
10 discovery. To the contrary, in the week since Mr. Nicoletti had surgery, defendant has
11 filed two motions, five declarations (including one executed by Mr. Nicoletti, Doc. No.
12 227), and two discovery letter briefs. His colleagues appear to be gamely stepping into
13 the breach caused by his temporary absence.

14 For these reasons, the stipulated request to extend expert discovery is DENIED.

15 IT IS SO ORDERED.

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17 DATED: September 12, 2012

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21 NATHANAEL M. COUSINS
22 United States Magistrate Judge
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