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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HAROLD C. ROBINSON, et al.,

Plaintiffs,

v.

OPEN TOP SIGHTSEEING SAN  
FRANCISCO, LLC, et al.,

Defendants.

Case No. 14-cv-00852-PJH

**ORDER DENYING MOTION TO  
COMPEL**

Re: Dkt. No. 146

Before the court is plaintiffs' motion to compel discovery from non-party Open Top Sightseeing USA, Inc. Dkt. 146. The matter is fully briefed and suitable for decision without oral argument. Accordingly, the hearing set for May 24, 2017 is VACATED. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby DENIES the motion as untimely, for the reasons below and those stated on the record at the court's May 10, 2017 hearing on the parties' cross motions for summary judgment.

The court set a discovery cutoff of March 2, 2017 in this case. Dkt. 108. Under the Local Rules, this corresponds to a March 9, 2017 deadline for motions to compel. Civ. L.R. 37-3. When the parties sought to extend discovery deadlines by stipulation in January 2017, the court "decline[d] to sign the [stipulation], and if a dispute arises, the only deadlines the court will enforce are those set by the court. While the parties may stipulate to extend the discovery deadlines if they wish, they are hereby advised that the deadline for dispositive motions to be heard remains May 3, 2017 per the court's prior orders." Dkt. 127 (emphasis added).

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The parties subsequently stipulated, among themselves and without court approval, to a April 7, 2017 discovery cutoff. Dkt. 130. However, the court-ordered deadline for motions to compel remained March 9, 2017, regardless of that stipulation. Dkt. 108; Civ. L.R. 37-3. Because plaintiffs' motion to compel was filed on April 14, 2017, over a month after the deadline, it is untimely and is DENIED on that basis.

**IT IS SO ORDERED.**

Dated: May 10, 2017



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PHYLLIS J. HAMILTON  
United States District Judge