

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SONG FI, INC., JOSEPH N.
BROTHERTON, LISA M. PELLEGRINO,
N.G.B., RASTA ROCK, INC.,

Plaintiffs,

v.

GOOGLE, INC., YOUTUBE LLC,

Defendants.

No. C 14-5080 CW

ORDER GRANTING
ADMINISTRATIVE
MOTION FOR
EXTENSION OF TIME
TO FILE EXPERT
REPORT

_____/

Plaintiffs file this administrative motion for a three-week extension of time to file the report of their chief damages expert. Plaintiffs must show good cause for an extension. Fed. R. Civ. P. 16(b)(4). This inquiry "focuses on the reasonable diligence of the moving party." Noyes v. Kelly Servs., 488 F.3d 1163, 1174 n.6 (9th Cir. 2007). Plaintiffs indicate that their damages expert has not received documents on which he seeks to base his expert report and that as a consequence he refused to file his expert report by the deadline set by the Court.

Plaintiff's proffered showing of good cause is weak; however, in an abundance of caution and due to the drastic consequences of being denied a damages expert, the Court grants the requested relief. Plaintiffs may file an expert damages report within three weeks of the deadline established in the Court's scheduling order. Thus the new deadline is November 7. No further extensions will be granted without new and extraordinary good cause. The Court notes that the extension requested will not provide Plaintiffs

1 with sufficient time to file a belated motion to compel discovery
2 of the documents sought by Plaintiffs' damages expert from
3 Defendants. Finally, Plaintiffs' deadline to designate a rebuttal
4 expert is shortened as proposed in Plaintiffs' motion.

5 For the foregoing reasons and subject to the foregoing
6 conditions, Plaintiffs' administrative motion is GRANTED.

7 IT IS SO ORDERED.

8
9 Dated: October 31, 2016



CLAUDIA WILKEN
United States District Judge