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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

DEREK L MCGHEE,
Plaintiff,

v.

TESORO REFINING & MARKETING
COMPANY LLC, et al.,
Defendants.

Case No. 18-cv-05999-JSW (RMI)

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO CONTINUE THE CLASS
CERTIFICATION FILING DEADLINE**

Re: Dkt. No. 83

Pending before the court is Plaintiff's Motion to Continue the Class Certification Filing Deadline (dkt. 83), which was referred to the undersigned for resolution (*see* Order of Referral (dkt.85)). In the Motion, Plaintiff submits that good cause exists (namely delays in discovery) for an "[o]rder continuing Plaintiff's class certification filing and related deadlines until eight (8) months after the Parties have resolved their current precertification discovery-related disputes." Pl.'s Mot. (dkt. 83) at 5. Plaintiff also offers that "[a]lternatively, if the Court is unwilling to provide an open-ended date, Plaintiff respectfully requests that the class certification deadline be continued by ten (10) months." *Id.* Defendants oppose an extension of the deadline and assert that Plaintiff has failed to show good cause for any extension and has even failed to put forth an actual discovery dispute, instead, relying on an anticipated discovery dispute. *See gen.* Defs.' Opp. (dkt. 84).

Following the referral, the undersigned held oral argument on the motion and after which instructed the parties to meet and confer regarding a stipulated timeline for the filling of the motion for class certification and for the filing of any discovery letter briefs related to outstanding precertification discovery. *See* Min. Entry of September 1, 2020 (dkt. 87). On September 7, 2020,

1 the parties filed a Joint Status Report (dkt. 88), which indicated that while the parties “agree that
2 the deadline for Plaintiff to raise a motion to compel by way of a joint brief is September 30, 2020
3 (i.e. 30 days from the date of the September 1, 2020 hearing), with Plaintiff to transmit his portion
4 to Defendant[s] no later than September 23, 2020,” the parties could not agree to a timeline for the
5 filing of a motion for class certification. During the meet and confer process prior to the filing of
6 the Joint Status Report, and without waiving its objections to any extension, “Defendant[s]’ final
7 offer was to extend the courtesy of a 4.5-month continuance, from September 30, 2020 to
8 February 15, 2021. Plaintiff declined that offer, and without waiving the argument previously
9 presented to the court for a further continuance, presented a final offer for a 6-month extension of
10 the present deadline, from September 30, 2020 to March 30, 2021.” (Dkt. 88) at 3.

11 Without wading too deeply into an inquiry as to who might have been responsible for the
12 discovery delays, and in consideration of and appreciation for the parties’ efforts in agreeing to a
13 timeline for the filing of any motion to compel by way of a joint letter brief by September 30,
14 2020, the court finds it appropriate to extend the deadline for the filing of the motion for class
15 certification. However, as stated by the court on the record, the court will not agree to any
16 extension that does not include a hard date. While Defendants’ last courtesy offer was for a 4.5-
17 month extension and Plaintiff’s last offer was for a 6-month extension, considering what discovery
18 remains, the parties’ relative positions, the court’s calendar, and other such important factors, the
19 undersigned finds that a 5.25-month extension is appropriate.

20 According, it is **ORDERED** that the Motion to Continue the Class Certification Filing
21 Deadline (dkt. 83) is **GRANTED** in part and **DENIED** in part as follows: Plaintiff’s class
22 certification filing and related deadlines are **HEREBY** continued to March 8, 2021. Further, it is
23 **ORDERED** that the deadline for Plaintiff to raise a motion to compel by way of a joint brief is
24 September 30, 2020, with Plaintiff to transmit his portion to Defendants no later than September
25 23, 2020.

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IT IS SO ORDERED.

Dated: September 8, 2020



ROBERT M. ILLMAN
United States Magistrate Judge