

FILED

Feb 15 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,
Plaintiff and Counter-
Defendant,
v.
APPLE INC.,
Defendant and
Counterclaimant.

Case No. 20-cv-05640-YGR (TSH)

DISCOVERY ORDER

Re: Dkt. No. 338

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A little after 9:30 p.m. last night the parties filed a joint discovery letter brief in which Apple seeks a two-day extension of time to serve its expert reports for the three Apple experts who rely on certain data regarding Fortnite users. (Apple says it will serve its remaining expert reports by the existing deadline, which is today). ECF No. 338.

The February 15, 2021 deadline to serve opening expert reports was set by Judge Gonzalez Rogers in her case scheduling order at ECF No. 116. As the Court explained in response to a previous request by Apple to extend the fact discovery cutoff: “So here is the deal. Judge Gonzalez Rogers sets the case schedule, and then I manage discovery within the boundaries that she sets. . . [¶] So I hear the two sides’ points of view on whether the deadline should be extended. I’m happy to listen to whatever you have to say. There is simply nothing I can do about that.” ECF No. 300 at 53.

To repeat: the undersigned magistrate judge has no power to alter the deadlines in Judge Gonzalez Rogers’ case scheduling order. If Apple wants this relief, it must ask the district judge for it.

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Apple's request is therefore denied without considering it on the merits.

IT IS SO ORDERED.

Dated: 2/15/2021



THOMAS S. HIXSON
United States Magistrate Judge