



1 those documents, Office Depot states that no follow-up discovery will be necessary, and therefore  
2 that an amendment of the case management order is inappropriate.

3 A case schedule may not be modified "except upon a showing of good cause." Fed. R. Civ.  
4 P. 16(b). Rule 16(b)'s "good cause" requirement focuses primarily on the diligence of the party  
5 seeking the amendment. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).  
6 Here, Office Depot does not suggest that Sanbrook has not been diligent in pursuing discovery.  
7 Furthermore, Office Depot has not yet produced all of the requested documents, and it is possible  
8 that follow-up discovery might be necessary. Because the fact-discovery deadline is fast  
9 approaching, the court will grant the motion to amend. However, the court concludes that, based on  
10 Sanbrook's amendment request, only a forty-five day extension is justified subject to reconsideration  
11 at the next case management conference, which is set for June 5, 2009 at 10:30 a.m..

12 **ORDER**

13 For the reasons stated above, Sanbrook's motion to amend the case management order is  
14 granted, but for forty-five days only. Plaintiff shall complete fact discovery by June 22, 2009,  
15 subject to reconsideration at the next case management conference on June 5, 2009 at 10:30 a.m..

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19 DATED: 05/07/09

  
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RONALD M. WHYTE  
United States District Judge

