

SAN JOSE DIVISION

On November 4, 2011, the parties filed a stipulation requesting that the Court extend the discovery cut-off date of October 31, 2011 to allow the deposition of Defendant Dan Fantz to take place on or before November 18, 2011. However, pursuant to the Court's September 7, 2011 Case Management Order, the last day for filing of dispositive motions is November 17, 2011. *See* ECF No. 92. The Court has already granted two requests pursuant to the parties' stipulation to extend the discovery deadline for limited discovery purposes. On October 28, 2011, the Court granted the parties' October 25, 2011 request to extend the cut-off deadline to November 7, 2011, which the parties sought for the sole purpose of completing the deposition of the person most knowledgeable

1 of Defendant and Cross-Claimant Manjar, Inc., and which the parties represented to the Court
2 would “have no effect on all other dates set in the consolidated actions.” *See* ECF Nos. 98, 100.
3 On November 7, 2011, the Court again granted the parties’ request, dated October 31, 2011, to
4 extend the discovery deadline to November 15, 2011, for the sole purpose of completing the
5 deposition of Bertha Martinez, who was brought into the action by way of a Cross-Claim and
6 Counterclaim filed by Defendants James Roberts, California Organics, LLC, Geoff Mousseau, Dan
7 Fantz, and California Farms, Inc. on October 28, 2011. *See* ECF Nos. 102, 105.

8 As stated in the September 7, 2011 Case Management Order, “[a]ttempts to alter pre-trial
9 deadlines by stipulation will be considered violations of this discovery order.” ECF No. 92. As a
10 general matter, the Court will not reset hearing or trial dates, absent a showing of extraordinary
11 circumstances. Because the parties’ request implicitly seeks to modify the November 17, 2011
12 deadline for the filing of dispositive motions, the Court denies the request to extend the discovery
13 cut-off to November 18, 2011. However, because the Court has already extended the discovery
14 cut-off to November 15, 2011 to allow for the deposition of another party, the Court will also
15 extend the discovery cut-off to November 15, 2011 for the sole purpose of completing the
16 deposition of Mr. Fantz. No other deadlines shall be altered by this Order.

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18 **IT IS SO ORDERED.**

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20 Dated: November 14, 2011

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23 LUCY H. KOH
24 United States District Judge
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