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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KRISTOPHER KLAY,
Plaintiff,

v.

CITY OF SOUTH LAKE TAHOE,
Defendant.

Case No. 14-cv-00326-BLF

**ORDER DENYING WITHOUT
PREJUDICE STIPULATED REQUESTS
TO CHANGE CASE SCHEDULE**

[RE: ECF 93, 94]

The schedule in this case was set on May 23, 2014. *See* Case Management Order, ECF 20. In November 2014, the Court modified the schedule to extend both the discovery cut-off and the ADR deadline to April 24, 2015. *See* Civil Minutes, ECF 41; Stipulation and Order Rescheduling ADR, ECF 40. The schedule otherwise has remained unchanged since it was set. Under this schedule, the last day to hear dispositive motions is May 7, 2015 and trial is set for August 10, 2015. *See* Case Management Order, ECF 20.

On April 8, 2015, the parties filed a stipulated request to change the ADR deadline from April 25, 2015 to July 10, 2015. *See* Stipulation and Proposed Order Regarding ADR Deadline, ECF 93. They also filed a stipulated request to change the case schedule to continue the hearing on Defendant South Lake Tahoe’s three pending motions, currently set for May 7, 2015, to July 11, 2015; extend fact and expert discovery cut-offs to July 10, 2015; and continue trial to September 21, 2015.

The case schedule “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The parties’ stipulated requests are not accompanied by any declaration showing good cause for changing the case schedule. The requests are prefaced with the statement that “WHEREAS, Plaintiff Kristopher Klay is unavailable related to trial commencing on April

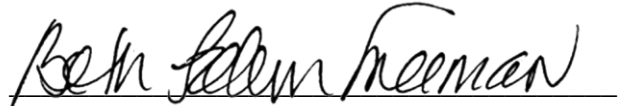
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17, 2015,” but no explanation is provided as to how Plaintiff is involved with that trial or why this Court should change its long-established case schedule in deference to that trial.

Accordingly, the parties’ stipulated requests to change the case schedule are DENIED. That denial is without prejudice to a new request to change the schedule that is properly supported by a declaration or other evidence showing good cause for the requested change. The parties are advised, however, that the Court’s trial calendar is completely full through mid-2016. If the parties give up their current trial date of August 10, 2015, the case would be reset for trial in June or July 2016.

IT IS SO ORDERED.

Dated: April 9, 2015


BETH LABSON FREEMAN
United States District Judge