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

DEBORAH LANE, et al.,
Plaintiffs,
v.
LANDMARK THEATRE
CORPORATION, et al.,
Defendants.

Case No. 16-cv-06790-BLF

**ORDER RE PLAINTIFFS’
ADMINISTRATIVE MOTION TO
AMEND COURT’S SCHEDULING
ORDER REGARDING EXPERT
DISCOVERY DEADLINES**

[Re: ECF 54]

The Court has reviewed Plaintiffs’ Administrative Motion to Amend Court’s Scheduling Order Regarding Expert Discovery Deadlines (ECF 54) and Defendants’ opposition thereto (ECF 60). While the Court finds Plaintiffs’ showing of the requisite good cause to be marginal, in particular as to diligence, the Court is willing to consider a modification to the scheduling order if it can be accomplished without imposing undue prejudice on Defendants. *See Keck v.*

Alibaba.com, Inc., No. 17-CV-05672-BLF, 2018 WL 2096349, at *2 (N.D. Cal. May 4, 2018) (“Although Rule 16(b)’s ‘good cause’ standard primarily considers diligence of the party seeking the amendment, the Court may take into account any resulting prejudice to the opposing party.”).

Under the schedule adopted by the Court, Defendants were to have had approximately 4 weeks after Plaintiffs’ designation of experts to designate rebuttal experts, and approximately six weeks after designation of rebuttal experts until the close of expert discovery. Under the proposed amended schedule put forward by Plaintiffs, Defendants would have only 2 weeks to designate rebuttal experts and only 4 weeks after designation of rebuttal experts until the close of discovery. Defendants argue, and the Court agrees, that they would be prejudiced by Plaintiffs’ proposed truncated timeline. Unfortunately, the Court cannot both grant Plaintiffs’ administrative motion

1 and afford Defendants adequate time to designate rebuttal experts and complete expert discovery
2 unless the Court continues the dispositive motions hearing date, the pretrial conference, and the
3 trial.

4 The Court can reset those dates as follows, if both sides are available:

5 Dispositive motions hearing: March 19, 2020 at 9:00 a.m.

6 Pretrial Conference: May 14, 2010 at 1:30 p.m.

7 Trial: July 20, 2010

8 The parties shall inform the Court on or before June 25, 2019 whether they are available on these
9 dates.

10 **IT IS SO ORDERED.**

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12 Dated: June 20, 2019



BETH LABSON FREEMAN
United States District Judge

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