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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF CALIFORNIA

4 Jerry Walden, et al.,
5 Plaintiffs,

6 vs.

7 General Dynamics Information
8 technology, Inc.,
9 Defendant.

Case No.: 14cv1541-LAB (JLB)

**Order Denying Joint Motion To
Modify Briefing and Discovery
Schedule**

ECF No. 34

9 Before the Court is the parties' Joint Motion to Modify Briefing and
10 Discovery Schedule. (ECF No. 34.) The parties request an additional 60 days to
11 file any motion for class certification and a five month extension of the deadlines
12 for discovery and pretrial motions.¹ Although not addressed in the motion, the
13 requested extensions also would require a continuance of every other deadline that
14 remains in this case. The joint motion is denied as untimely and for failure to set
15 forth good cause for the extensions requested.

16 A case management conference was held in this case on December 19, 2014.
17 The parties represented in their Joint Discovery Plan and during the conference
18 that they had not engaged in any discovery in the nine months that had elapsed

19 _____
20 ¹ The parties also seek to modify the briefing schedule for filing opposition and reply papers to the anticipated motion for class certification. However, this order does not address this request because it should be directed to the district judge assigned to this case.

1 since the March 13, 2014 filing of the complaint in state court. At the case
2 management conference, the Court set deadlines and stressed the importance of
3 exercising diligence in meeting those deadlines in light of the procedural history of
4 this case. A written scheduling order, the case management conference order,
5 issued that same day. (*See* ECF No. 29.)

6 Rule 16 of the Federal Rules of Civil Procedure governs deadlines and dates
7 set by the court. The deadlines set in the court’s scheduling order “may be
8 modified only for good cause and with the judge’s consent.” Fed. R. Civ. P.
9 16(b)(4). Good cause exists to modify a scheduling order when “it cannot
10 reasonably be met despite the diligence of the party seeking the extension.”
11 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The
12 focus of the good cause inquiry is “on the moving party’s reasons for seeking
13 modification. If that party was not diligent, the inquiry should end.” *Id.*

14 In addition, this Court’s Civil Chambers Rules require that “[a]ny motion
15 requesting extensions [of the case management conference order] should be filed
16 **ten calendar days** in advance of the dates and deadlines at issue and shall include
17 a declaration from counsel of record detailing the steps taken to comply with the
18 dates and deadlines set in the order, and the specific reasons why deadlines cannot
19 be met.” *Civil Chambers Rules*, III.C. (emphasis in original).

1 Here, the motion is untimely pursuant to this Court’s Civil Chambers Rules.
2 The first deadline at issue is Plaintiffs’ March 13, 2015 deadline to file their
3 motion for class certification. Applying this Court’s Civil Chambers Rules to this
4 case, any motion to extend the March 13, 2015 deadline should have been filed by
5 March 3, 2015. The parties filed their joint motion on March 6, 2015. The motion
6 is silent as to why it was not filed by March 3, 2015. The motion is denied as
7 untimely.

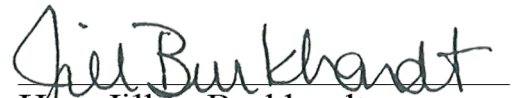
8 The motion is also denied because the parties failed to set forth good cause
9 for the extensions they request. This Court’s Chambers Rules require that any
10 assertions of good cause for a scheduling extension be supported by “a declaration
11 from counsel of record detailing the steps taken to comply with the dates and
12 deadlines set in the [case management conference] order, and the specific reasons
13 why deadlines cannot be met.” *Civil Chambers Rules*, III.C. No such declaration
14 was filed, and the body of the motion at issue does not set forth good cause to grant
15 the requested extensions.

16 For example, in the body of the motion, the parties represent that
17 “documents” have been exchanged. (ECF No. 34.) The parties also reference a
18 general need for additional discovery and represent that they engaged in a “good
19 faith effort to schedule depositions of key witnesses, including Plaintiffs.” (*Id.*)
20 The parties point to “scheduling conflicts” as posing an obstacle to the parties

1 meeting the deadlines set in this case. However, the parties do not elaborate
2 further on any of the above representations. The Court finds that the parties have
3 failed to make any meaningful assertions of fact in support of their motion for this
4 Court to determine whether any deadline in this case “cannot reasonably be met
5 despite the diligence of the part[ies] seeking the extension.” *Johnson*, 975 F.2d at
6 609. Accordingly, the motion is denied for failure to set forth good cause.

7 In conclusion, and for the reasons stated above, the parties’ Joint Motion to
8 Modify Briefing and Discovery Schedule (ECF No. 34) is denied.

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10 Dated: March 9, 2015

11 
12 Hon. Jill L. Burkhardt
13 United States Magistrate Judge
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