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(Dkt. 70, 72.)

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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	CECILIA PEDROZA OCHOA, et. al.,	CASE NO. 15cv568-LAB (NLS)
12	Plaintiffs, vs.	ORDER GRANTING MOTION FOR CONTINUANCE AND TO SHOW
13	CITY OF OCEANSIDE, et al.,	CAUSE RE SANCTIONS
14	Defendants.	
15		,
16	Two months ago, the Court granted Cecilia Ochoa's second motion to continue	
17	discovery deadlines to help her new attorney, Katherine R. Cohan, get up to speed on the	
18	case. The Court granted the motion with a clear caveat: "Plaintiffs are WARNED that the	
19	Court won't tolerate further lack of diligence." (Dkt. 67.) Cohan filed a motion on October 6	
20	asking the Court to move the October 7 deadline for expert disclosure. (Dkt. 70.)	
21	Cohan's motion is a textbook example of how not to file a motion. Procedurally,	
22	Cohan failed to comply with Standing Order Rule 10, Local Rule 7.1, and Local Rule 16.1.	
23	Substantively, Cohan failed to provide good cause for the request or explain why the current	
24	schedule cannot "reasonably be met despite [her] diligence." Johnson v. Mammoth	

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Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). Professionally, Cohan failed to

proofread her often unintelligible request. But Cohan's motion has a more basic problem:

she requested the extension to obtain material she's now admitted she had since August.

Cohan says the motion is based on "the attached declaration of Katherine Cohan."
 She provides no declaration. Cohan says she requires additional time for "depositions." She
 makes no request to extend any deposition deadlines. Cohan says she was "recently
 substituted into the case." She's been on the case for over three months. (Dkt. 70.)

Cohan's lack of diligence and her disregard for procedure, substance, or syntax has
become a pattern. The Magistrate Judge recently ordered Cohan to pay the City's expenses
after Cohan attempted to cancel a 9:00 a.m. deposition by emailing the City's attorney at
9:00 p.m. the night before. (Dkt. 69.) Cohan filed another improper motion to obtain autopsy
photographs last week. (Dkt. 73, 75.) And the City's attorney highlighted troubling statements
and conduct connected to Cohan in the opposition to this continuance motion. (Dkt. 71.)

11 Cohan improperly filed her request the day before the discovery deadline and now
12 admits she's had all of the materials her expert needs since August (with the exception of
13 autopsy photos). But the Court is reluctant to prejudice Ochoa because of her counsel.
14 Ochoa's expert has until November 1, 2016 to complete their report. The rebuttal expert
15 disclosure deadline is moved to November 14, 2016. All other deadlines remain the same.
16 Ochoa requests another extension of a pretrial deadline, it will be denied.

The Court orders Cohan to file a proofread memorandum by 5:00 p.m. on October
24, 2016, to show cause why the Court shouldn't sanction her under Fed. R. Civ. P. 16(f).
The Court also orders her to read the Civil Local Rules and Judge Burns' Standing Order in
Civil Cases.

21 IT IS SO ORDERED.

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22 DATED: October 20, 2016

and A. Burny

HONORABLE LARRY ALAN BURNS United States District Judge