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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LC DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO ASSOCIATION OF
REALTORS, INC.,

Plaintiff,

v.

SANDICOR INC., et al.,

Defendants.

Case No.: 3:16-cv-00096-MMA-KSC

**ORDER GRANTING JOINT
MOTION TO AMEND
SCHEDULING ORDER**

[Doc. No. 84]

Before the Court is the parties' Joint Motion Regarding Proposed Amendments to the Scheduling Order. [Doc. No. 84]. Plaintiff, San Diego Association of Realtors ("SDAR"), requests the Court amend the Scheduling Order to extend the fact discovery cut-off date by sixty (60) days in light of its pending Motion for Leave to Amend Complaint [Doc. No. 79], and not-yet-completed document productions by defendants. [Doc. No. 84, at pp. 4-6]. Defendants oppose, arguing, *inter alia*, plaintiff's request is a product of neither diligently prosecuting the case, nor adhering to the discovery deadlines identified by the Court. [*Id.* at pp. 13-17]. Defendants further argue SDAR's decision not to produce witnesses for two noticed Federal Rule of Civil Procedure 30(b)(6) depositions was in "complete disregard of [SDAR's] discovery obligations." [*Id.* at p. 17]. For the reasons

1 discussed below, the Court **GRANTS** plaintiff's request to continue the discovery cut-off
2 date by sixty (60) days.

3 DISCUSSION

4 This Court issued an Order resolving a discovery dispute between the parties on
5 September 29, 2017. [Doc. No. 78]. In that Order, the Court granted SDAR leave to file a
6 motion to amend the pleadings because SDAR "clarified that it began to devote resources
7 to create Just Knock in 2014, and not 2009 as previously alleged." [*Id.* at p. 7]. Consistent
8 with that acknowledgement, this Court wrote: "[a]ssuming the [Third Amended
9 Complaint] is amended in accordance with plaintiff's representations, the production of
10 responsive documents by plaintiff would be limited to entities with relevant information
11 regarding the efforts to create Just Knock, and on a timeline consistent with efforts that
12 allegedly began in 2014, rather than 2009." [*Id.*]. SDAR has filed such a Motion to
13 Amend, which has not yet been fully briefed, and thus awaits a ruling from the District
14 Court. [Doc. No. 79].

15 This Court understands the instant dispute to turn, primarily, on two issues: (1) the
16 allegedly tardy document productions by defendants in response to requests for productions
17 issued by plaintiff; and, (2) inappropriate decisions by plaintiff not to produce witnesses
18 for two duly-noticed, Rule 30(b)(6) depositions. [Doc. No. 84]. For the reasons set forth
19 in this Order, the Court is extending the discovery cut-off date by sixty days. While the
20 pending Motion to Amend does not serve to stay discovery, it is, at the very least, relevant
21 as to *how* discovery ought to proceed at this time. To the extent there is any incomplete
22 discovery unrelated to the timeline at issue in the pending Motion to Amend, the Court
23 expects such discovery to be completed within the sixty-day extension ordered herein.

24 Defendants noticed a total of five depositions of SDAR witnesses. [Doc. No. 84, at
25 p. 7]. Three of these witnesses, according to SDAR, "are financial-services employees []
26 whose only potential relevance is through their knowledge of SDAR financials." [*Id.*].
27 SDAR contends, *inter alia*, in the Joint Motion that the depositions of the three financial-
28 services employees should be put off until after the District Court rules on the pending

1 Motion to Amend, as the scope of relevant discovery is, as related to the pertinent time
2 period, currently unsettled. [Doc. No. 84, at pp. 6-7]. This Court agrees. Accordingly, the
3 parties should withhold conducting the depositions of the financial-services employees
4 until Judge Anello rules on the pending Motion to Amend.

5 Any deposition that does not implicate the amended timeline must be taken within
6 the sixty-day extension granted by this Court. This includes, but is not limited to: (1) the
7 depositions of plaintiff's witnesses regarding topics unrelated to any pre-2014 efforts to
8 create Just Knock; and, (2) the *non*-financial services employee depositions noticed by
9 defendants. The sixty-day extension provides adequate time for the parties to exchange
10 any remaining discovery, review the materials, and conduct the depositions on issues not
11 implicated by the pending Motion to Amend.

12 **CONCLUSION**

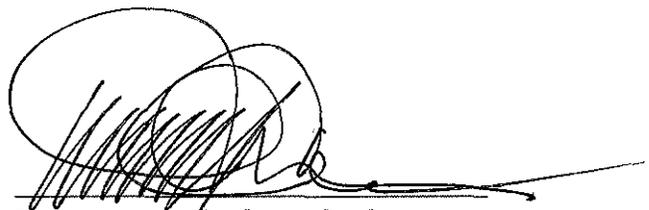
13 The Court **GRANTS** plaintiff's request for a sixty (60) day extension of the
14 discovery cut-off date.

15 IT IS HEREBY ORDERED the renewed discovery cut-off date is **January 19, 2018**.

16 IT IS FURTHER ORDERED that a telephonic Status Conference will be held before
17 Judge Crawford on **January 5, 2018** at **10:30 AM**. Counsel for plaintiff shall initiate the
18 conference by calling Judge Crawford's chambers at the appointed time with all counsel
19 on the line.

20 **IT IS SO ORDERED.**

21 Dated: November 17, 2017



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23 Hon. Karen S. Crawford
24 United States Magistrate Judge
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