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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Dr. Seuss Enterprises, L.P. a California
limited partnership,

Plaintiff,

v.

ComicMix LLC; a Connecticut limited
liability company; Mr. Glenn Hauman; an
individual; Mr. David Jerrold Friedman,
an individual also known as David
Gerrold; and Mr. Ty Templeton an
individual,

Defendants.

Case No.: 16-cv-02779-JLS-BGS

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

[ECF No. 99]

On July 10, 2018, the parties filed a Joint Motion to Amend the Scheduling Order (ECF No. 99) in which that they request leave to take a combined Rule 30(b)(6) deposition of Dr. Seuss Enterprises L.P. and Rule 30(b)(1) deposition of Dr. Seuss Enterprises L.P. President Susan Brandt six days after the close of fact discovery, on July 18, 2018. (See ECF No. 91 ¶ 1 [setting fact discovery deadline as July 12, 2018].)

Federal Rule of Civil Procedure 16(b)(4) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Civil Local Rule 16.1(b) requires all counsel and parties to “proceed with diligence to take all steps necessary to bring an action to readiness for trial.” In determining whether there is “good cause” under

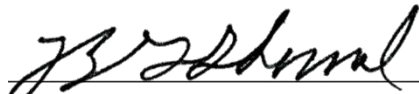
1 Rule 16(b), the Court “primarily considers the diligence of the party seeking the
2 amendment” and the “moving party’s reasons for seeking modification.” Johnson v.
3 Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). Good cause exists if the
4 party can show that the schedule “cannot reasonably be met despite the diligence of the
5 party seeking the extension.” Id.

6 The parties have set forth the diligence with which they have conducted discovery
7 and attempted to schedule a Rule 30(b)(6) and Rule 30(b)(1) deposition of Dr. Seuss
8 Enterprises L.P. President Susan Brandt. (See ECF Nos. 99 at 2-4; 99-1 ¶¶ 12-17; 99-2
9 ¶¶ 6-32). Accordingly, good cause appearing, the parties’ Joint Motion to Amend the
10 Scheduling Order (ECF No. 99) is **GRANTED**. The parties may take a combined Rule
11 30(b)(6) deposition of Dr. Seuss Enterprises L.P. and Rule 30(b)(1) deposition of Dr. Seuss
12 Enterprises L.P. President Susan Brandt on July 18, 2018.

13 All other dates and deadlines set forth in the First Amended Scheduling Order (ECF
14 No. 91) **remain in effect**.

15 **IT IS SO ORDERED.**

16 Dated: July 10, 2018

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18 Hon. Bernard G. Skomal
19 United States Magistrate Judge
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