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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 NATURAL THOUGHTS, INC.,
12 Plaintiff,
13 v.
14 PERFORMANCE TOUCH, LLC; THE
15 HYGENIC CORPORATION;
16 PERFORMANCE HEALTH HOLDINGS
CORPORATION; and DOES 2-10,
17 Defendants.

Case No.: 17cv2148-BEN-LL

**ORDER DENYING: (1) JOINT
MOTION TO CONTINUE
BRIEFING SCHEDULE; AND
(2) JOINT MOTION TO MODIFY
SCHEDULING ORDER WITHOUT
PREJUDICE**

[ECF Nos. 86, 87]

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19 Currently before the Court are the Parties': (1) "Joint Motion to Continue Briefing
20 Schedule and Hearing Date on Pending Motions" [ECF No. 86]; and (2) "Joint Motion to
21 Modify Scheduling Order and Continue Deadlines for 60 Days To Allow Parties to
22 Participate in Private Mediation" [ECF No. 87].

23 In the Parties' Joint Motion to Continue Briefing Schedule, the Parties request a
24 two-week extension of the deadlines to complete any remaining briefing on: (1)
25 Defendants' Motion for Summary Judgment [ECF No. 61]; (2) Defendants' Motion to
26 Exclude Expert Testimony [ECF No. 70]; and (3) Plaintiff's Ex Parte Application [ECF
27 No. 79]. In support, the Parties state the extension is warranted so that the Parties can
28 avoid incurring "additional litigation expenses" while the Court rules on the Parties'

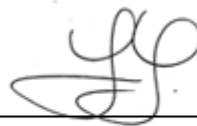
1 “Joint Motion to Modify Scheduling Order.” Id. at 2.

2 However, after reviewing the Parties concurrently filed “Joint Motion to Modify
3 Scheduling Order,” the Court finds it is not clear what relief the Parties are actually
4 seeking in this second motion. Although the Parties characterize the motion as a request
5 to “modify” the scheduling order, they also state they are effectively seeking a “stay” of
6 the entire case. See ECF Nos. 86 at 2; 87 at 3.¹ The Parties have therefore not made clear
7 whether they are requesting: (1) that the entire case be stayed; (2) that the dates and
8 deadlines set forth in the Court’s Scheduling Order be modified (without a stay); or (3)
9 that the entire case be stayed for a certain period of time and that the deadlines set forth in
10 the Court’s Scheduling Order be modified accordingly.

11 For the above reasons, the Parties’ Motions are **DENIED WITHOUT**
12 **PREJUDICE**. If the Parties re-file their Motions, they are directed to clearly set forth the
13 relief they are seeking.

14 **IT IS SO ORDERED.**

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16 Dated: May 13, 2019



Honorable Linda Lopez
United States Magistrate Judge

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26 ¹ For example, the Parties state that should the Court grant their Joint Motion to Modify
27 the Scheduling Order, then all of the briefing dates and hearing dates for any pending
28 motions and the Parties’ agreements regarding various discovery deadlines would
somehow automatically be continued by sixty days. ECF No. 86 at 4. This is more
consistent with a stay of the entire case than an extension of the Court’s deadlines.