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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ANN KENNEY,

Plaintiff,

v.

FRUIT OF THE EARTH, INC., et al.

Defendants.

Case No.: 21cv1016-JO (MSB)

**ORDER MODIFYING SECOND
SCHEDULING ORDER
[ECF NO. 35]**

On May 10, 2022, the parties filed a “Joint Motion to Modify Second Scheduling Order.” (ECF No. 35.) In the joint motion, the parties agree and ask the Court for “a short, approximately 3-week continuance, of [discovery and dispositive motion] dates in the Second Scheduling Order” [ECF No. 32]. (Id. at 3.) In support of this request, the parties submit Plaintiff’s counsel’s declaration, detailing the parties’ diligent efforts to complete party depositions within the approximately two months provided in the Court’s Second Scheduling Order, issued on March 16, 2022. (ECF No. 35-1 at 4-5.) Counsel states that the parties agree the requested three-week continuance is necessary to permit the fair and efficient completion of fact and expert discovery and to provide a fair trial. (Id. at 5.)

1 The Court, having considered the parties' joint motion and finding good
 2 cause for the requested modification, **GRANTS** the joint motion. Additionally, to
 3 minimize the risk that the parties will encounter pretrial deadlines prior to a ruling
 4 on any dispositive motions, the Court **sua sponte CONTINUES** the pretrial dates
 5 by approximately three weeks. The Court therefore **MODIFIES** the dates in the
 6 Second Scheduling Order [ECF No. 32] as follows:

Event	Date in Second Scheduling Order [ECF No. 32]	New Date
Fact Discovery Cut-Off	May 16, 2022	June 6, 2022
Case Management Conference	June 16, 2022, 11:00 a.m.	July 7, 2022, 11:00 a.m.
Expert Designations	June 16, 2022	July 7, 2022
Rebuttal Expert Designations	June 30, 2022	July 21, 2022
Expert Reports	July 29, 2022	August 19, 2022
Rebuttal Expert Reports	August 12, 2022	September 2, 2022
Expert Discovery Cut-Off	September 12, 2022	October 3, 2022
Deadline to File Pre-Trial/Daubert and Dispositive Motions	October 12, 2022	November 2, 2022
Mandatory Settlement Conference ("MSC")	January 11, 2023	No change
MSC Briefs Due	January 4, 2023	No change
Pretrial Disclosures	January 18, 2023	February 1, 2023
Memoranda of Contentions	January 18, 2023	February 8, 2023
Meeting of Counsel	January 25, 2023	February 15, 2023
Proposed PTO to Opposing Counsel	February 1, 2023	February 22, 2023
PTO Lodging	February 8, 2023	March 1, 2023
Final Pretrial Conference	February 15, 2023, 8:30 a.m.	March 8, 2023, 8:30 a.m.

21 **IT IS SO ORDERED.**

22 Dated: May 10, 2022

23 
 24 Honorable Michael S. Berg
 25 United States Magistrate Judge