

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-02568-CMA-BNB

THE WELLINGER FAMILY TRUST 1998;
JULIE WELLINGER, trustee, and
JULIE WELLINGER, individually,

Plaintiffs,

v.

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, a Connecticut insurance
company,

Defendant.

ORDER

This matter arises on the **Stipulated Motion to Amend Scheduling Order** [Doc. # 41, filed 11/30/2012] (the “Motion for Extension”), which is DENIED.

This case was commenced on September 30, 2011. A scheduling conference was held on December 5, 2011. The discovery cut-off was May 31, 2012, and the dispositive motion deadline was June 29, 2012. Three extensions have been granted, resulting in a discovery cut-off of November 30, 2012, and a dispositive motion deadline of December 31, 2012. On the existing discovery cut-off, the parties filed their request for a fourth extension of an additional four months. If granted, the discovery cut-off would be March 29, 2013, and the dispositive motion deadline would be April 30, 2013. In support of the request, the parties present a general description of “some unfortunate roadblocks” which have made discovery difficult. I note, however, that the parties already have had more than eleven months within which to conduct their discovery.

A scheduling order may be amended only on a showing of good cause. Fed. R. Civ. P.

16(b)(4). Good cause in this context is defined in the Advisory Committee Notes to Rule 16:

[T]he court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension. Since the scheduling order is entered early in the litigation, this standard seems more appropriate than a “manifest injustice” or “substantial hardship” test.

Advis. Comm. Notes for 1983 Amend.

I am not persuaded that the parties could not complete the necessary discovery within the more than eleven months already allowed. Consequently, I do not find that good cause exists for the additional four month extension requested.

IT IS ORDERED:

(1) The Motion for Extension [Doc. # 41] is DENIED.

(2) The case schedule is modified to the following extent:

Discovery Cut-Off: January 25, 2013.

(All discovery must be completed by the discovery cut-off. All written discovery must be served so that responses are due on or before the discovery cut-off.)

Dispositive Motions Deadline: February 14, 2013.

(3) No further extensions will be granted.

Dated December 6, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge