

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-01185-NYW

JAMES H. CODDING,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, and
VIKING INSURANCE COMPANY OF WISCONSIN,

Defendants.

ORDER

Magistrate Judge Nina Y. Wang

This matter is before the court on Defendant Viking Insurance Company of Wisconsin's Motion for Extension of Deadlines (the "Motion for Extension"). [#30, filed Feb. 5, 2016]. The Motion for Extension is before the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(c) and the Order of Reference dated July 17, 2015 [#20]. In addition, Defendant Allstate Fire and Casualty Insurance Company filed a Joinder in Defendant Viking's Motion for Extension of Deadlines [#31, filed February 8, 2016].

BACKGROUND

Defendant Viking Insurance Company of Wisconsin ("Viking") moves for a 60-day extension of time to designate experts and provide the parties with all information specified in Fed. R. Civ. P. 26(a)(2), to designate rebuttal experts, to complete discovery, and to file dispositive motions. [#30 at 1]. Viking represents that good cause exists for the requested

extension because as of the date of its filing of the Motion for Extension, it had not yet received a large volume of potentially-relevant medical records pertaining to the Plaintiff in this case, Mr. James Codding. [#30 at 3]. Because the issues in this case arise out of an automobile accident in which Mr. Codding was injured and the insurance claims he made pertaining to his injuries from that accident, Viking represents that it must obtain and review the yet-undisclosed medical records before it can determine whether medical experts may be required and prepare to serve those expert disclosures. [#30 at 3]. Viking states that it has been working with Plaintiff's counsel since November 2015 to obtain the records, but Plaintiff's counsel has represented that it has taken longer than expected to obtain them from the VA, which maintains them. [#30 at 3].

Viking states that it conferred with the other Parties prior to filing the Motion for an Extension and that Defendant Allstate Fire and Casualty Insurance Company is not opposed to the Motion. [#30 at 1]. Viking represents that Plaintiff is opposed to a 60-day extension, but would not oppose a 30-day extension. [#30 at 2].

ANALYSIS

A motion to amend a scheduling order must be made pursuant to Fed. R. Civ. P. 16(b)(4) on a showing of good cause. Amendments to the scheduling order are granted with the judge's consent. *Id.* To establish good cause, a party must demonstrate that it has been diligent in attempting to meet the deadlines, which means it must provide an adequate explanation for any delay. *Lehman Bros. Holdings, Inc. v. Universal Amer. Mortg'g Co., LLC*, 300 F.R.D. 678, 681 (D. Colo. 2014).

Here, the court finds that Viking has established good cause for the proposed 60-day extension. Viking represents that to-date it has been unable to obtain medical records that it has

been diligently pursuing regarding Plaintiff's medical care, and that these medical records are important to its case and its ability to prepare expert disclosures by the deadline in the Scheduling Order. Accordingly, the court will grant Viking's Motion for Extension. However, no further extensions will be granted absent extraordinary circumstances.

The amended deadlines in this case are as follows. All other case deadlines in the Scheduling Order [#23] remain unchanged.

Event	Original Deadline¹	Amended Deadline
Designation of experts	February 8, 2016	April 8, 2016
Designation of rebuttal experts	March 8, 2016	May 9, 2016
Discovery cut-off	April 8, 2016	June 8, 2016
Dispositive motions due	May 9, 2016	July 8, 2016
Final Pretrial Conference	July 12, 2016 at 10:30 a.m.	September 12, 2016 at 10:30 a.m. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven (7) days before the final pretrial conference.

For the reasons set out above, IT IS ORDERED that:

- (1) The Motion for Extension of Deadlines [#30] is **GRANTED**;
- (2) Defendant Allstate's Joinder in Defendant Viking's Motion for Extension of Deadlines [#31] is **GRANTED**.

¹ See [#23].

DATED: February 8, 2016

BY THE COURT:

s/Nina Y. Wang
United States Magistrate Judge