

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

Civil Action No. 15-cv-1251-NYW

CONTINENTAL CREDIT CORPORATION,
NATIONAL CREDIT CARE CORPORATION,

Plaintiffs,

v.

PAUL C. GARCIA,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Nina Y. Wang

This matter is before the court on the Motion to Vacate Discovery Cut-off and Extend Time for Completion of Discovery. [#43, filed Mar. 3, 2016].

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).

The court finds that Defendant has failed to provide an adequate statement of good cause, particularly because “[t]he Federal Rules of Civil Procedure presume that discovery may proceed despite the filing of a motion to dismiss, absent special provisions such as those provided in the Private Securities Litigation Reform Act or in connection with a motion seeking dismissal based on qualified immunity.” *SOLIDFX, LLC v. Jeppesen Sanderson, Inc.*, No. 11-CV-01468-WJM-BNB, 2011 WL 4018207, at *2 (D. Colo. Sept. 8, 2011) (internal citation omitted)

Accordingly, the Motion to Vacate Discovery Cut-off and Extend Time for Completion of Discovery [#43] is **DENIED** with leave to re-file with the requisite statement of good cause for the requested extension, including an explanation of what discovery has been completed and what discovery Defendant seeks to obtain after the previously-set discovery cutoff.

DATED: March 4, 2016

BY THE COURT:

s/Nina Y. Wang
United States Magistrate Judge