

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUNIOR JUMPP

*Plaintiff,**v.*

ANAYA, et al.

Defendants.

Civil No. 3:13cv1228 (JBA)

February 18, 2016

ORDER

Following this Court's Order [Doc. # 120] to Defendants to show cause why their motion for summary judgment should not be precluded as untimely, Defendants filed a Response [Doc. # 122] arguing, without citation to authority, that they had good cause to delay filing their motion for summary judgment because they were engaged in settlement discussions with Plaintiff, and they did not think it "appropriate" to do so "while simultaneously advising the court that the defendants are entitled to judgment as a matter of law."

"[A] party may file a motion for summary judgment at any time until the time limit for filing motions under a district court's Rule 16(b) scheduling order expires." *Julian v. Equifax Check Servs., Inc.*, 178 F.R.D. 10, 15 (D. Conn. 1998) (internal quotation marks omitted). If a party requires additional time in which to file a motion, it must seek a modified scheduling order from the court, which may be granted "only for good cause." Fed. R. Civ. P. 16(b)(4). "A finding of 'good cause'" under Rule 16 "depends on the diligence of the moving party" in seeking to meet the deadline in the scheduling order. *Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000); see *Johnson v. Bryson*, 851 F. Supp. 2d 688, 703 (S.D.N.Y. 2012) ("Whether 'good cause' exists turns

