

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, for
the use and benefit of YMC, INC., an
Idaho corporation,

Plaintiff,

v.

INSURANCE COMPANY OF THE
WEST, a California corporation, and
EAGLE ROCK TIMBER, INC., an Idaho
corporation,

Defendants.

Case No. 1:09-CV-543-BLW

**MEMORANDUM DECISION AND
ORDER**

INTRODUCTION

The Court has before it Defendants' Motion to Extend the Discovery Deadline and Amend the Case Management Order (Dkt. 48).

ANALYSIS

Defendants ask the Court to extend the discovery deadline and amend the Case Management Order. Specifically, Defendants ask the Court to move the mediation to

February 3, 2011, extend the discovery cutoff date to April 1, 2011, and extend the deadline for Defendants' disclosure of expert witnesses, *nunc pro tunc*, from December 31, 2010 to January 14, 2011.

Plaintiff does not oppose moving the mediation and discovery cutoff dates. The Court finds that these minor extensions will not prolong the case. Accordingly, the Court will grant the motion on those two requests.

Plaintiff does oppose Defendants' request to extend their expert disclosure deadline. The Court has broad discretion in supervising the pre-trial phase of litigation. *Polar Bear Productions, Inc. v. Timex Corp.*, 384 F.3D 700, 718 (9th Cir. 2004). A schedule may be modified only for good cause. Fed. R. Civ. P. 16(b)(4).

Counsel for Defendants states that the main reason Defendants needed the extension of time was because counsel was unavailable during the few days prior to the original disclosure deadline. Therefore, counsel was unable to facilitate delivery of additional third party documents to the expert, and to facilitate delivery of the expert report. Counsel indicates that he was unavailable because his spouse underwent surgery. Under these circumstances, the Court finds good cause to grant the 14-day extension, and that the delay will not prejudice Plaintiffs because the mediation date was delayed as well.

ORDER

IT IS ORDERED:

1. Defendants' Motion to Extend the Discovery Deadline and Amend the Case

Management Order (Dkt. 48) is **GRANTED**.

DATED: **January 27, 2011**



B. Lynn Winmill

B. LYNN WINMILL

Chief U.S. District Court Judge