

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

ERIC ANDERSON, Individually and as
Executor of the Estate of Merle Anderson,

Plaintiff,

vs.

THE EVANGELICAL LUTHERAN
GOOD SAMARITAN SOCIETY, d/b/a
EVANGELICAL LUTHERAN GOOD
SAMARITAN SOCIETY and GOOD
SAMARITAN SOCIETY-WEST UNION,

Defendant.

No. 18-CV-2008 MWB

ORDER

This matter is before the Court pursuant to defendant's unresisted motion for agreed upon extension of time to file motion to add parties, filed on June 6, 2018. (Doc. 22). The deadline to add parties is today, June 6, 2018. (Doc. 16). Defendant requests an extension of time to July 6, 2018. Plaintiff does not resist this motion.

A scheduling order may be modified only for good cause and with the judge's consent. FED. R. CIV. P. 16(b)(4). *See also* Local Rule 16(f) ("The deadlines established by the Rule 16(b) and 26(f) scheduling order and discovery plan will be extended only upon written motion and a showing of good cause."). "The primary measure of good cause is the movant's diligence in attempting to meet the order's requirements." *Rahn v. Hawkins*, 464 F.3d 813, 822 (8th Cir. 2006). Although "prejudice to the nonmovant resulting from modification of the scheduling order may also be a relevant factor, generally, we will not consider prejudice if the movant has not been diligent in meeting the scheduling order's deadlines." *Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 717 (8th Cir. 2008). In ruling on motions to extend deadlines and continue trials, the Court is guided by Rule 1 of the Federal Rules of Civil Procedure,

which requires the Court and the parties to construe the rules “to secure the just, speedy, and inexpensive determination of every action and proceeding.” FED. R. CIV. P. 1. *See Rouse v. Farmers State Bank of Jewell, Iowa*, 866 F. Supp. 1191, 1198 (N.D. Iowa 1994) (holding that adherence to reasonable deadlines is critical to maintaining integrity of court proceedings).

Defendant does not seek to continue any other deadlines or the trial date. Accordingly, the Court **grants** defendant’s unresisted motion for agreed upon extension of time to file motion to add parties. The new deadline to add parties is July 6, 2018.

All other deadlines remain unchanged and the parties should consider the trial date firm.

IT IS SO ORDERED this 6th day of June, 2018.



C.J. Williams
Chief United States Magistrate Judge
Northern District of Iowa