

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

OTHA MICHAEL WILLIAMS

CIVIL ACTION

VERSUS

NO. 11-1664

**ASSOCIATION DE PRÉVOYANCE
INTERENTREPRISES d/b/a/ PREVINTER,
SIACI SAINT HONORÉ d/b/a/ MOBILITY
BENEFITS & PRIDE INTERNATIONAL, INC.
LONG TERM DISABILITY PLAN**

SECTION: "G"(2)

ORDER

Before the Court is Plaintiff Otha Michael Williams's ("Plaintiff") foregoing Motion for New Trial and/or Motion to Amend Joint Scheduling Order,¹ wherein Plaintiff requests that the Court amend its scheduling order and grant him leave to file a Second Amended Complaint. In the pending motion, Plaintiff states that :

By agreement of counsel, [the deadline to file amended pleadings] was extended by seven days to November 9, 2012. Counsel agreed to the seven day extension of time to provide Plaintiff with sufficient time to receive and review the Answer and Affirmative Defenses filed by Defendant, SIACI, prior to amending the complaint... The Second Amended Complaint was filed timely according to the joint agreement of counsel to extend the deadline by seven days. Plaintiff, therefore, respectfully urges this Court to grant a new trial and grant leave for Plaintiff to file the attached Second Amended Complaint.²

This Court reminds counsel that "[a] schedule may only be modified for good cause and with the *judge's consent*."³ A district court has broad discretion to refuse to modify its scheduling order.⁴ The parties may not independently agree to modify this Court's scheduling order, operate as if the

¹ Rec. Doc. 79.

² Rec. Doc. 79-2 at pp. 1-2.

³ Fed. R. Civ. P. 16(b)(4) (emphasis added).

⁴ *Geiserman v. MacDonald*, 893 F.2d 787, 792 (5th Cir. 1990).

scheduling order has been so changed, and then merely ask for the Court's permission later. While this Court would be within its broad discretion to deny Plaintiff's requests to modify the scheduling order and deny him leave to file his Second Amended Complaint, the Court will on this one occasion modify the scheduling order to allow for the filing of amended pleadings until November 9, 2012 and grant Plaintiff leave to file said complaint. Accordingly,

IT IS HEREBY ORDERED that the pending motion is **GRANTED** and the deadline to file amended pleadings is retroactively extended to **November 9, 2012**.

IT IS FURTHER ORDERED that Plaintiff is granted leave to file a Second Amended Complaint.

New Orleans, Louisiana, on this 27th day of December, 2012.


NANNETTE JOLIETTE BROWN
UNITED STATES DISTRICT JUDGE