

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JORDAN SIMMONS

CIVIL ACTION

VERSUS

NO: 15-1124

GALLIANO MARINE SERVICE, LLC

SECTION: R(3)

ORDER AND REASONS

Before the Court is plaintiff Jordan Simmons's motion to continue the trial date set for March 28, 2016.¹ For the following reasons, the Court grants the motion.

I. INTRODUCTION

This is a Jones Act personal injury action, in which plaintiff alleges that he suffered severe shoulder injuries while working on defendant's vessel. Trial in this matter is currently set for March 28, 2016. Plaintiff argues that a continuance is necessary because both parties are still conducting discovery

¹ R. Doc. 26.

and plaintiff's counsel has a number of unavoidable scheduling conflicts.² Defendant opposes the motion.³

II. DISCUSSION

Federal Rule of Civil Procedure 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R.Civ.P. 16(b)(4). Whether to grant or deny a continuance is within the sound discretion of the trial court. *United States v. Alix*, 86 F.3d 429, 434 (5th Cir. 1996). In deciding whether to grant a continuance, the Court's "judgment range is exceedingly wide," for it "must consider not only the facts of the particular case but also all of the demands on counsel's time and the court's." *Streber v. Hunter*, 221 F.3d 701, 736 (5th Cir. 2000) (internal citations omitted).

Here, plaintiff has established good cause to justify a continuance of trial. Plaintiff asserts that discovery in this case is still ongoing. According to plaintiff, defendant took the deposition of a witness, Dr. Larkin, on February 19, three days after the February 16 discovery deadline. Defendant also noticed the deposition of plaintiff's treating physician for March 22, six days

² *Id.*

³ R. Doc. 29.

before the current trial date, while plaintiff recently requested to depose a witness for the defense. Plaintiff also asserts that his counsel has several unavoidable scheduling conflicts in late March and early April.

For these reasons, the Court orders the pretrial conference and trial continued. The Court further orders the parties to complete all outstanding discovery by April 25, 2016.

III. CONCLUSION

For the foregoing reasons, the Court GRANTS plaintiff's motion to continue trial. The Court ORDERS the parties to contact the Court's case manager to schedule new trial and pre-trial conference dates. The Court further ORDERS that all outstanding discovery shall be completed by April 25, 2016.

New Orleans, Louisiana, this 14th day of March, 2016.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE