

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHN LANG

CIVIL ACTION

VERSUS

NO. 17-17149

TIMOTHY PARSONS, ET AL.

SECTION "R" (1)

ORDER AND REASONS

Before the Court is the parties' joint motion to continue trial.¹ The Court denies the motion.

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). The "good cause standard requires the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." *S & W Enter., LLC v. SouthTrust Bank of Ala., NA*, 315 F.3d 533, 535 (5th Cir. 2003) (internal citations omitted). 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


¹ R. Doc. 8.

all of the demands on counsel's time and the court's." *Streber v. Hunter*, 221 F.3d 701, 736 (5th Cir. 2000) (quoting *HC Gun & Knife Shows, Inc. v. City of Houston*, 201 F.3d 544, 549-50 (5th Cir. 2000)).

The parties seek a continuance because plaintiff was recently advised that he may need an additional surgery on his shoulder, which he allegedly injured during the incident that gave rise to this litigation.² The parties have not provided "good cause" for a continuance because their motion is merely speculative about whether plaintiff will need a second surgery that requires substantial additional discovery. And if more discovery is needed after the expert disclosure and discovery deadlines have passed, there are other avenues for relief available to the parties short of a continuance.

For the foregoing reasons, the parties' joint motion is DENIED.

New Orleans, Louisiana, this 21st day of August, 2018.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

² R. Doc. 8-1 at 1.