

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANATIFFANY McGEE, *et al.*

CIVIL ACTION

VERSUS

NO. 21-571

JOSEPH P. LOPINTO, *et al.*

SECTION M (3)

ORDER & REASONS

Before the Court is a motion to continue the trial and all pretrial deadlines filed by plaintiffs in which they claim that there was not enough time to conduct discovery and that counsel has a conflict with the trial date.¹ Defendants Sheriff Joseph P. Lopinto, Michael LeBlanc, Sean Parker, and Matthew Smithey (collectively, “JPSO Defendants”) argue that plaintiffs have not shown good cause for continuing the pretrial deadlines and trial date because they have not diligently pursued discovery and they knew about the scheduling conflict when the trial date was selected.² The JPSO Defendants point out that plaintiffs have not attempted to take any depositions and did not produce any expert reports by the April 11, 2022 deadline.³

Under Rule 16(b)(4) of the Federal Rules of Civil Procedure, a scheduling order “may be modified only for good cause and with the judge’s consent.” Good cause “requires a showing that the relevant scheduling order deadline cannot reasonably be met despite the diligence of the party needing the extension.” *Garza v. Webb Cnty.*, 296 F.R.D. 511, 513 (S.D. Tex. 2014) (citing *S & W Enters., L.L.C. v. Southtrust Bank of Ala., NA*, 315 F.3d 533, 535 (5th Cir. 2003)).

Plaintiffs have not shown good cause to continue the pretrial deadlines or the trial date. Plaintiffs have not offered any explanation as to why they have not diligently engaged in

¹ R. Doc. 26.

² R. Doc. 28 at 2-6.


³ *Id.*

discovery or otherwise pursued the case. Moreover, plaintiffs' counsel knew of the scheduling conflict when the trial date was selected.

Having considered the parties, memoranda, the record, and the applicable law,

IT IS ORDERED that plaintiffs' motion to continue (R. Doc. 26) is DENIED without prejudice to re-filing a motion to continue the trial date if on **July 31, 2022**, the *Dalton v. Cazes* case (constituting the scheduling conflict plaintiffs' counsel cites) is still scheduled to commence trial on August 8, 2022, and has not been continued or settled.

New Orleans, Louisiana, this 2nd day of June, 2022.



BARRY W. ASHE
UNITED STATES DISTRICT JUDGE