

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DELTA MARINE SUPPORT, LLC, ET AL.

CIVIL ACTION

VERSUS

NO. 21-2003

MARSH BUGGIES, INC., ET AL.

SECTION "R" (1)

ORDER AND REASONS

Before the Court is the parties' joint motion to continue the trial and pretrial deadlines.¹ Trial in this matter is set for July 18, 2022.² Discovery and depositions are to be completed by May 17, 2022.³

The parties represent that they require additional time to complete fact and expert discovery, including depositions and inspection of the barges relevant to this case.⁴ This case was filed fewer than six months ago, and this is the first time the parties have moved for a continuance.

The Court notes that some of the parties' deadlines have already expired. Specifically, the deadlines for (i) initial disclosures, (ii) amendments to pleadings, third-party actions, crossclaims, and counterclaims, and (iii) plaintiff's expert disclosures, have all passed.⁵ The

¹ R. Doc. 15.

² R. Doc. 7 at 3.

³ *Id.* at 2.

⁴ R. Doc. 15 at 1.

⁵ R. Doc. 7 at 1.

parties do not address this issue in their motion to continue. Under the Federal Rules of Civil Procedure, “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time” of an expired deadline only “if the party failed to act because of excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B). The parties here have not shown that their failure to act owes to “excusable neglect.” Nonetheless, because the parties jointly represent that they require more time for expert discovery, and because defendants’ expert deadline has not yet expired, the Court in its discretion continues plaintiff’s expert-disclosure deadline. The Court does not continue or reset the other expired deadlines.

As to the unexpired deadlines, the Court finds that the parties have shown good cause for an extension of time and a modification of the scheduling order. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4). The Court therefore GRANTS the motion, and hereby continues the trial and all pretrial deadlines set out in the Court’s December 13, 2021 scheduling order,⁶ except the expired deadlines for initial disclosures and amendments to pleadings, third-party actions, crossclaims, and counterclaims.

A scheduling conference will be held **BY TELEPHONE** on **April 28, 2022**, at **9:30 a.m.** for the purpose of rescheduling the continued

⁶ *Id.*

deadlines, the pretrial conference, and the trial on the merits. The parties shall call in for the teleconference using phone number (888) 278-0296 and access code 7415986. The Court will be represented at the conference by its Case Manager.

New Orleans, Louisiana, this 15th day of April, 2022.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE