

1 dispositive motions were due 30 days after the discovery cut-off date. ECF No. 14. Thus, the
2 dispositive motion deadline was April 1, 2018, which was a Sunday, so the motion was due the
3 next business day, April 2, 2018. TCB filed its motion on April 6, 2018 without any explanation
4 as to why it was not timely filed.


5 I deny TCB's later-filed motion to extend time. TCB attempts to justify its late filing by
6 arguing the parties understood the 45-day period ran from January 22, 2018, which is the date the
7 minutes of the January 16, 2018 hearing were entered on the docket. Judge Leen was clear at the
8 hearing, which defense counsel attended, that the 45 days ran from the date of the hearing. ECF
9 No. 30 at 12 (stating twice that the 45 days ran from "today's date"). TCB has not shown good
10 cause for its failure to meet the dispositive motion deadline or excusable neglect for filing the
11 motion to extend time after the dispositive motion deadline expired. *See* LR 26-4.

12 While ordinarily I may excuse a few days' tardiness, TCB's prior conduct in this case
13 weighs against granting an extension. As Judge Leen discussed at the January 16 hearing, TCB
14 did not conduct any discovery during the first 90 days of the discovery period, did nothing other
15 than respond to Green's discovery requests in the final 90 days of discovery, and filed an
16 untimely motion to extend discovery. ECF No. 30 at 3-4, 8-9. Despite the fact that TCB was not
17 diligent and had not shown good cause for extending the discovery deadline, Judge Leen
18 generously granted TCB's late-filed motion and gave TCB 45 more days to conduct discovery.
19 Despite previously failing to exercise diligence, show good cause, or meet applicable deadlines,
20 TCB missed the summary judgment deadline, again with no good cause shown. Under these
21 circumstances, I deny the motion to extend time. Because the motion for summary judgment is
22 untimely, I deny it.

23 ////

1 IT IS THEREFORE ORDERED that plaintiff's motion to strike (ECF No. 27) is
2 **GRANTED**, the defendant's motion to extend time (ECF No. 29) is **DENIED**, and the
3 defendant's motion for summary judgment (ECF No. 26) is **DENIED** as untimely.

4 DATED this 21st day of December, 2018.

5
6 
7 _____
8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23