UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT E. EATMON,

Plaintiff,

- against -

HUNTINGTON JEWISH CENTER,

Defendant.

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ORDER

CV 08-2189 (NGG) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has received Defendant's Motion [DE 17] seeking an adjournment of the Status Conference scheduled for August 13, 2009. Defendants make this request, with Plaintiff's consent, because the parties have agreed to extend the deadline for Defendant to respond to Plaintiff's discovery requests from August 9, 2009 to August 24, 2009. For the reasons set forth below, Defendant's Motion is hereby DENIED.

First, the Court notes that, pursuant to the parties' joint Motion [DE 16] dated June 16, 2009, the Court has already granted an adjournment of the deadlines for (i) Plaintiff to serve his responses to Defendant's discovery requests and his discovery requests upon Defendant to July 6, 2009; and (ii) Defendant to serve its responses to Plaintiff's discovery requests to August 9, 2009. Accordingly, the Court also adjourned the Status Conference originally scheduled for July 13, 2009 to August 14, 2009. *See* June 19, 2009 Order. The Court granted this adjournment based upon the parties' representations related to Plaintiff's retainer of counsel in this case. *See id.*, *see also* DE 14, 16.

In the instant Motion [DE 17], the parties have not provided any basis for further extending Defendant's deadline respond to Plaintiff's discovery requests. Moreover, under Rule

16, the Scheduling Order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Here, the parties did not seek the Court's leave to further extend the deadline for Defendant to respond to Plaintiff's discovery requests. Moreover, no "good-faith" basis has been provided for another extension. Accordingly, the Court has no alternative but to deny Defendant's Motion.

If they choose, the parties may re-file their motion setting forth the good faith basis for the extension.

SO ORDERED.

Dated: Central Islip, New York
August 7, 2009

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge