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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

8 ROBERT HOLMES, *et al.*,

9 Plaintiffs,

10 v.

11 YCT. NOVA, *et al.*,

12 Defendants.

Case No. C16-1422RSL

ORDER DENYING MOTION TO  
EXTEND DISPOSITIVE MOTION  
DEADLINE

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14 This matter comes before the Court on “Plaintiffs’ Motion to Extend Deadline for  
15 Dispositive Motions.” Dkt. # 68. Having reviewed the memoranda, declarations, and  
16 exhibits submitted by the parties, the Court finds as follows:

17 Pursuant to Fed. R. Civ. P. 16(b)(4), case management deadlines established by the  
18 Court “may be modified only for good cause and with the judge’s consent.” The case  
19 management order in this case likewise states “[t]hese are firm dates that can be changed  
20 only by order of the Court, not by agreement of counsel or the parties. The Court will  
21 alter these dates only upon good cause shown . . . .” Dkt. # 27 at 2. Rule 16 was amended  
22 in 1983 to require scheduling orders that govern pre-trial as well as trial procedure. The  
23 purpose of the change was to improve the efficiency of federal litigation: leaving the  
24 parties to their own devices until shortly before trial was apparently costly and resulted in  
25 undue delay. Under the new rule, once a case management schedule issues, changes will  
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ORDER DENYING MOTION TO EXTEND  
DISPOSITIVE MOTION DEADLINE - 1

1 be made only if the movant shows “good cause.”

2 Rule 16(b)’s “good cause” standard primarily considers the diligence of the  
3 party seeking the amendment. The district court may modify the pretrial  
4 schedule “if it cannot reasonably be met with the diligence of the party  
5 seeking the extension.” Fed. R. Civ. P. 16 advisory committee’s notes (1983  
6 amendment) . . . .

7 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). See also  
8 Zivkovic v. S. Cal. Edison Co., 302 F3d 1080, 1087-88 (9th Cir. 2002) (where plaintiff  
9 failed to “demonstrate diligence in complying with the dates set by the district court,”  
10 good cause was not shown).

11 The deadline for filing dispositive motions in this case was June 13, 2017.  
12 Plaintiffs have not justified their belated attempt to file a motion for summary judgment.  
13 If defendant Stephen Yadvish’s testimony were critical to plaintiffs’ ability to seek  
14 dispositive relief (a fact which is not supported by the existing record), plaintiffs should  
15 have pursued that testimony earlier in the litigation. Plaintiffs have known since October  
16 2016 when its dispositive motions were due, and nothing prevented them from satisfying  
17 that deadline. Plaintiffs have not shown that they acted diligently in seeking dispositive  
18 relief and have not established good cause for extending the case management deadline.

19 For all of the foregoing reasons, plaintiffs’ motion to extend the dispositive motion  
20 deadline is DENIED.

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22 Dated this 14th day of July, 2017.

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24 Robert S. Lasnik  
25 United States District Judge  
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