

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Haggerty v. Lynch

Haggerty · No. 2:21-cv-01248-DJC-AC · Decided April 1, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Defendants’ request to extend the deadline for filing their pretrial statement because Plaintiff had not yet filed his statement. Defendants must file their statement by April 7, 2025, and may amend it after reviewing Plaintiff’s submission.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 LEE E. HAGGERTY, No. 2:21-cv-01248-DJC-AC 12 Plaintiff, 13 v.
ORDER 14 JEFF LYNCH, et al., 15 Defendants. 16 17 18 Pending before the Court is
Defendants’ request for an extension to file their 19 pretrial statement until fourteen days after
Plaintiff submits his pretrial statement.

20 (ECF No. 59). Pursuant to the Scheduling Order issued on October 3, 2024, Plaintiff 21 was
ordered to file and serve a pretrial statement on or before March 20, 2025, and 22 Defendants
were ordered to file their pretrial statement on or before April 3, 2025. 23 (ECF No. 54.)

However, as of the date of this Order, Plaintiff has not filed his pretrial 24 statement. 25 The
district court has broad discretion in supervising the pretrial phase of 26 litigation. *Johnson v.*
Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) 27 (citation omitted).

Under Rule 16(b), “[a] schedule may be modified only for good 28 cause and with the judge’s
consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be 1 | modified if it cannot be reasonably
met despite the diligence of the party seeking the 2 | extension.” *Zivkovic v. Southern California*
Edison Co., 302 F.3d 1080, 1087 (9th Cir. 3 | 2002) (citation and quotation marks omitted).

4 The Court finds good cause exists here as Plaintiff has yet to file his pretrial 5 | statement. Thus,
the Court GRANTS Defendants’ request for an extension to file the 6 | pretrial statement on or by
April 7, 2025.

The Court will address the Plaintiff’s failure 7 | to file a pretrial statement at the final pretrial
conference. Defendants are further 8 | GRANTED leave to amend their statement following
Plaintiff’s submission to review 9 | and, if necessary, address matters raised in Plaintiff’s pretrial
statement. 10 Accordingly, IT IS HEREBY ORDERED that Defendants’ request for an extension

11 | is GRANTED to file the pretrial statement on or before April 7, 2025, with leave to 12 |
amend.

13 14 IT IS SO ORDERED. 15 | Dated: _April 1, 2025 “Daniel CoD tto— Hon. Daniel □□ |. Cod
16 UNITED STATES DISTRICT JUDGE 17 18 19 20 21 22 | DJC6-
HAGGERTY21cv01248.extension 23 24 25 26 27 28