

1 _____ (Full Name)
2 _____ (Email Address)
3 _____ (Address Line 1)
4 _____ (Address Line 2)
5 _____ (Phone Number)

6 _____ in Pro Per
7 (indicate Plaintiff or Defendant)

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 _____
12 _____
13 _____
14 **Plaintiff(s),**
15 **vs.**
16 _____
17 _____
18 _____
19 _____,
20 **Defendant(s).**

Case No.: _____

_____'s
(indicate Plaintiff or Defendant)

**NOTICE OF MOTION AND
MOTION TO AMEND
SCHEDULING ORDER
PURSUANT TO FED. R. CIV. P. 16**

Hearing Date: _____

Hearing Time: _____

Judge: _____
(Judge's name)

Place: _____
(courtroom number)

24 **TO THE HONORABLE COURT AND TO ALL PARTIES:**

25
26 **PLEASE TAKE NOTICE** that on _____ at _____,
27 (date) (time)

28 **or as soon thereafter as this matter may be heard in the above-entitled Court**

1 located at _____,
2 (address of the Court in which the motion is being made)

3 _____, the _____
4 (your name) (indicate Plaintiff or Defendant)

5 in this case, will move this Court to amend the scheduling order:

6 _____
7 (describe the nature of your motion; e.g., to extend the discovery cut-off date)
8 _____
9 _____
10 _____

11 This motion is based upon the Memorandum of Points and Authorities, and the
12 following documents:

13 _____
14 (list any other documents, such as a Declaration, that support your motion)
15 _____
16 _____

17 the complete files and records in this action, and upon such oral and documentary
18 evidence as may be allowed at the hearing of this motion.

19
20 This motion is made following the conference of counsel pursuant to L.R.
21 7-3 which took place on _____.
22 (date)

23 DATED: _____

24 By: _____
25 (sign)

26 _____
27 (print name)

28 _____ in Pro Per
(indicate Plaintiff or Defendant)

1 _____ (Full Name)
2 _____ (Email Address)
3 _____ (Address Line 1)
4 _____ (Address Line 2)
5 _____ (Phone Number)

6 _____ in Pro Per
7 (indicate Plaintiff or Defendant)

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 _____
12 _____
13 _____
14 **Plaintiffs(s),**
15
16 **vs.**
17 _____
18 _____
19 _____,
20 **Defendant(s).**
21
22
23

Case No.: _____

**MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF MOTION TO AMEND
SCHEDULING ORDER
PURSUANT TO FED. R. CIV. P. 16**

Hearing Date: _____

Hearing Time: _____

Judge: _____
(Judge's name)

Place: _____
(courtroom number)

24 _____ respectfully submits this Memorandum of
25 (indicate Plaintiff or Defendant)
26 Points and Authorities in Support of _____'s Motion to Amend the
27 (indicate Plaintiff or Defendant)
28 Scheduling Order Pursuant to Fed. R. Civ. P. 16.

//

//

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I. INTRODUCTION

The Court should grant _____'s motion to modify the Scheduling Order because good cause exists under Fed. R. Civ. P. 16 (b)(4), based upon the facts described below.

II. PROCEDURAL HISTORY

Plaintiff filed an original complaint against Defendant(s) on:

_____.
(date)

☐ Plaintiff filed amended complaint(s) as follows: *(write the number of amended complaints and dates filed)* _____

☐ Defendant(s) filed responsive pleading(s) on: *(write the title of responses and dates filed)* _____

☐ On _____, the Court issued its Scheduling Order, setting the following dates and deadlines:

Jury Trial (estimated _____ days)	<i>(insert date)</i>
Pretrial Conference	<i>(insert date)</i>
Motion Cut-Off	<i>(insert date)</i>
Discovery Cut-Off	<i>(insert date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert date)</i>

☐ Plaintiff and Defendant(s) served and responded to the following discovery and motions: *(write the title of each discovery request and each motion, including the service and response dates)*

III. ARGUMENT

A scheduling order “may be modified only for good cause and with the judge’s consent.” Fed.R.Civ.P. 16 (b)(4). A party may demonstrate “good cause” to modify a scheduling order by showing that, even with the exercise of due diligence, the party cannot meet the timetable in the scheduling order. *See Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992).

Courts in the Ninth Circuit typically consider three factors when deciding whether a party has demonstrated “good cause”: (1) whether the party was diligent in creating the scheduling order; (2) whether the party’s noncompliance with the scheduling order occurred notwithstanding diligent efforts to comply, because of the development of matters which could not have been reasonably foreseen at the time the scheduling order was entered; and (3) whether the party was diligent in seeking amendment of the order, once it became apparent the party could not comply. *See Kahlenberg v. Bamboo Insurance Services, Inc.*, No. 2:20-cv-06805-FLA, 2021 WL 2433796 at *2 (C.D. Cal. June 15, 2021) (citing *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 608 (E.D. Cal. 1999)).

1 The facts in this case sufficiently demonstrate there is “good cause” to revise
2 the Scheduling Order, pursuant to these three factors.

3 _____ made diligent efforts to assist the Court in creating a
4 (indicate Plaintiff or Defendant)
5 **workable scheduling order:** *(describe facts showing timely compliance with deadlines for*
6 *scheduling conference and order)*

7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____ could not reasonably foresee or anticipate the events
17 (indicate Plaintiff or Defendant)
18 **that now necessitate changes to the Scheduling Order:** *(describe the new events; e.g., newly*
19 *discovered facts or case developments)*

1 _____ has been diligent in seeking this amendment to the
(indicate Plaintiff or Defendant)
2 **Scheduling Order:** *(describe timing and efforts to quickly seek an amendment)*
3
4
5
6
7

8 Given the above-described needs of the case, _____ proposes
(indicate Plaintiff or Defendant)
9 the following modifications to the Scheduling Order:
10

Jury Trial (estimated _____ days)	<i>(insert new date)</i>
Pretrial Conference	<i>(insert new date)</i>
Motion Cut-Off	<i>(insert new date)</i>
Discovery Cut-Off	<i>(insert new date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert new date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert new date)</i>
<i>(describe any other scheduling order deadlines)</i>	<i>(insert new date)</i>

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1 **IV. CONCLUSION**

2 Based on the above reasons, _____ respectfully requests that
3 (indicate Plaintiff or Defendant)
4 the Court modify the Scheduling Order as proposed above, or in an alternative
5 manner as the Court sees fit.

6 DATED: _____ BY: _____
7 (sign)
8 _____
9 (print name)
10 _____ in Pro Per
11 (indicate Plaintiff or Defendant)

12 *If you have prepared this memorandum on a computer, complete the following:*

13 The undersigned, _____ certifies that this brief contains
14 (your name)
15 _____ words, which (choose one):
16 (number of)
17 _____ complies with the word limit of L.R. 11-6.1.
18 _____ complies with the word limit set by court order dated _____.
19 (date)

20 _____
21 (date, your name, and your signature)

1 _____ (Full Name)
2 _____ (Email Address)
3 _____ (Address Line 1)
4 _____ (Address Line 2)
5 _____ (Phone Number)

6 _____ in Pro Per
7 (indicate Plaintiff or Defendant)

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 _____
12 _____
13 _____
14 Plaintiff(s),
15 vs.
16 _____
17 _____
18 _____
19 _____,
20 Defendant(s).

Case No.: _____

**DECLARATION IN SUPPORT OF
MOTION TO AMEND
SCHEDULING ORDER
PURSUANT TO FED. R. CIV. P. 16**

Hearing Date: _____

Hearing Time: _____

Judge: _____
(Judge's name)

Place: _____
(courtroom number)

23 I, _____, declare as follows:
24 (print name)

25 1. I am the _____ in the above-entitled case.
26 (indicate Plaintiff or Defendant)

27 2. I have personal knowledge of the following facts, and, if called as a witness,

28 I could and would competently testify thereto.

1 3. I discussed and attempted to resolve the issues raised in this motion with the
2 opposing counsel in this case on: _____.

(date)

3
4 4. Opposing counsel and I were not able to resolve the following issues during
5 our discussion: _____

(describe unresolved issues)

6 5. _____

7
8
9
10 6. _____

11
12
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15 7. _____

16
17
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19 8. _____

20
21
22
23 9. _____

24
25
26
27 10. _____

28 _____

11.

12.

13.

14.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, in _____.
(date of signing) (city, state of signing)

(signature)

(print name)

_____ in Pro Per
(indicate Plaintiff or Defendant)

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 11 _____ 12 _____ 13 _____ 14 Plaintiff(s), 15 vs. 16 _____ 17 _____ 18 _____ 19 _____, 20 Defendant(s).	Case No.: _____ (PROPOSED) ORDER GRANTING MOTION TO AMEND SCHEDULING ORDER PURSUANT TO FED. R. CIV. P. 16 Hearing Date: _____ Hearing Time: _____ Judge: _____ (Judge's name) Place: _____ (courtroom number)
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21
22 Having considered _____'s Motion and finding good cause therefore,
23 (indicate Plaintiff or Defendant)

24 IT IS HEREBY ORDERED that _____'s Motion
25 (indicate Plaintiff or Defendant)
26 to Amend the Scheduling Order pursuant to Fed. R. Civ. P. 16 is GRANTED.

27 Dated: _____ Signed: _____

28 Hon. : _____
(Judge's name)

1 _____ (Full Name)
2 _____ (Email Address)
3 _____ (Address Line 1)
4 _____ (Address Line 2)
5 _____ (Phone Number)

6 _____ in Pro Per
7 (indicate Plaintiff or Defendant)

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 _____ Case No.: _____
12

13 **PROOF OF SERVICE BY MAIL**

14 _____
15 **Plaintiff(s),**

16 **vs.**

17 _____
18 _____
19 _____
20 **Defendant(s).**

21
22 I, _____, declare as follows:
23 (name of person serving documents)

24 My address is _____
25 _____, which is located in the
26 county where the mailing described below took place.
27
28

On _____, I served the documents described as:
(date of mailing)

Notice of Motion and Motion to Amend Scheduling Order, Memorandum of
Points and Authorities in Support Thereof, _____
(list the names of any additional documents you are mailing)

on all interested parties in this action by placing a true and correct copy thereof in
a sealed envelope, with first-class postage prepaid thereon, and deposited said
envelope in the United States mail at or in _____,
(city and state of mailing)
addressed to:

_____ (name)	_____ (name)
_____ (address)	_____ (address)
_____ (address)	_____ (address)
_____ (address)	_____ (address)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____.
(date) (city and state of signing)

(sign)

(print name)