## UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

RONALD PATTERSON

: CIV. NO. 3:05CV1138 (JCH)

PEH I L.P., ET AL

V.

:

## SCHEDULING ORDER

A telephone conference was held on November 2, 2005, as a follow up conference pursuant to the Court's order. Plaintiff did not appear by phone and did not answer voice mails left by defendants' counsel.

Plaintiff's compliance with defendants' written discovery requests and damages analysis were due on Friday October 28, 2005. To date, plaintiff had not complied with the discovery deadline and no motion for extension of time in which to comply has been filed with the Court.

Defendants' counsel volunteered that plaintiff made an oral request for a thirty (30) day extension on Monday, October 31, 2005. Defendants object to any request for thirty days but stated to the Court that they would not object to an extension of twenty-one days or to Monday, November 21, 2005. Plaintiff is currently not in compliance with the Court's order, despite the parties' efforts to modify the deadline.

Notwithstanding plaintiff's <u>pro se</u> status, plaintiff is sufficiently experienced in court proceedings and the rules of Court to know that this request is insufficient to alter an

existing deadline set by the court. Indeed, any party seeking an extension of time of a court ordered deadline must seek the extension in writing in advance of the deadline in accordance with D. Conn. Fed. L. Civ. R. 7(b). Extensions will only be granted for "good cause shown." "The good cause standard requires a particularized showing that the time limitation in question cannot reasonably be met despite the diligence of the party seeking the extension. Id.

The taking of depositions will commence in November and will be completed no later than January 31, 2006. Defendants will notice plaintiff's deposition for late November or early December. Without evidence of a scheduling conflict, any request to extend these deadlines will be denied. Requests for extension of time must be made in advance of the expiration of the set deadlines and will only be granted if there is a demonstration of good cause. D. Conn. L. Civ. R. 7(b)(2),(3).

A telephone status conference will be held on **Thursday**, **December 1, 2005 at 2:00 AM**. Defendants' counsel will initiate the call with the Court.

The parties are encouraged to contact the Court as issues arise to schedule a conference. Any requests for extension of

<sup>&</sup>quot;"All motions for extension of time, whether for consideration by the Clerk or a Judge, shall include a statement of the moving counsel that (1) he or she has inquired of opposing counsel and there is agreement or objection to the motion, or that (2) despite diligent effort, he or she cannot ascertain opposing counsel's position. . . . Agreement of counsel as to any extension of time does not of itself extend any time limitation or provide good cause for failing to comply with a deadline established by the Federal Rules of Civil Procedure of the Rules of this Court. " D. Conn. Fed. L. Civ. R. 7(b)(3).

the Court's deadlines must be made in advance of the deadline.

This is not a recommended ruling. This is a discovery ruling and order which is reviewable pursuant to the "clearly erroneous" statutory standard of review. 28 U.S.C. § 636 (b)(1)(A); Fed. R. Civ. P. 6(a), 6(e) and 72(a); and Rule 2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the district judge upon motion timely made.

SO ORDERED at Bridgeport this 4th day of November 2005.

\_\_\_\_/s/\_\_\_ HOLLY B. FITZSIMMONS UNITED STATES MAGISTRATE JUDGE