

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

GARY TRINIDAD,

Plaintiff,

v.

Case No. 19-2683-DDC

AGILITI HEALTH, INC.,

Defendant.

**ORDER**

On the day discovery was set to end, the parties filed a joint motion (ECF No. 30) to amend the scheduling order and extend their discovery and dispositive-motion deadlines, as well as their trial setting. The parties offer no sense of the length of their sought extensions or why they're necessary, beyond saying they haven't been able to schedule depositions "in part, because of the limitations of COVID-19."<sup>1</sup> Rather, the brief motion asks for a telephonic conference to set new deadlines.

The motion, as filed, is deficient. The parties represent they've exchanged written discovery and conducted plaintiff's deposition, but they don't describe any efforts (if any) to depose additional witnesses, nor do they indicate how much (if any) written discovery remains. This isn't the first time the parties have filed an inadequate motion – the court previously denied defendant's request for extensions for failure to address the appropriate Rule 16 standard and failure to include supporting information.<sup>2</sup> There, the court

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<sup>1</sup> ECF No. 30.

<sup>2</sup> ECF No. 17.

specifically identified these shortcomings in a text-entry order and required defendant to re-file the motion.<sup>3</sup>

In reviewing the docket, the court further notes that after receiving two extensions (ECF Nos. 15 and 23), the parties never filed an ADR report after their mediation, as required by the scheduling order (ECF No. 8). Per ECF No. 28, mediation was set to occur on July 28, 2020, and the ADR report was due within 14 days. The court is not inclined to continue allowing extensions when the parties themselves are not inclined to follow basic pre-trial requirements. Therefore, the motion is denied without prejudice to re-filing with adequate supporting information.

IT IS SO ORDERED.

Dated September 28, 2020, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge

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<sup>3</sup> *Id.*