



United States District Court
DISTRICT OF MINNESOTA

LR 16.3 MODIFICATION OF A SCHEDULING ORDER

(a) A motion under Fed. R. Civ. P. 16(b)(4) to modify a scheduling order—even a stipulated or uncontested motion — must be made in accordance with LR 7.1(b).

(b) A party that moves to modify a scheduling order must:

- (1) establish good cause for the proposed modification: and
- (2) explain the proposed modification's effect on any deadlines.

(c) If a party moves to modify a scheduling order's discovery deadlines, the party must also:

- (1) describe what discovery remains to be completed;
- (2) describe the discovery that has been completed;
- (3) explain why not all discovery has been completed; and
- (4) state how long it will take to complete discovery.

(d) Except in extraordinary circumstances, before the passing of a deadline that a party moves to modify, the party must obtain a hearing date on the party's motion to modify the scheduling order. The hearing itself may take place after the deadline.

[Adopted effective February 1, 1991; amended November 1, 1996; amended July 23, 2012]

2012 Advisory Committee's Note to LR 16.3

The language of LR 16.3 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Under Fed. R. Civ. P. 16(b)(4), "[a] schedule may be modified only for good cause and with the judge's consent." The changes to LR 16.3(a) and (b) are intended to clarify for parties that they cannot simply stipulate to a change in a scheduling order. Instead, parties must move to modify a scheduling order.

1996 Advisory Committee's Note to LR 16.3

LR 16.3 is intended to discourage modifying pre-trial schedules unless good cause has been shown. This Rule, which was enacted before the CJRA Implementation Plan was adopted, is consistent

with the Plan's suggestion that judicial officers be authorized to impose and enforce discovery deadlines that promote adequate but prompt case preparation.