

The relief described hereinbelow is **SO ORDERED**.

SIGNED this 26th day of September, 2022.




Robert D. Berger
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

In re:

**MATTHEW WILFRED ROBERTS and
SHELLEY D. GARZA-ROBERTS,**

Debtors.

Case No. 18-20906
Chapter 7

**FREEBIRD COMMUNICATIONS, INC.,
PROFIT-SHARING PLAN, et al.,**

Plaintiffs,

Adv. No. 18-06063

v.

**MATTHEW WILFRED ROBERTS and
SHELLEY D. GARZA-ROBERTS,**

Defendants.

ORDER DENYING MOTION TO EXTEND DISCOVERY DEADLINE

The Court's scheduling order in this adversary proceeding states that all discovery shall be completed by August 15, 2022.¹ On August 15, Plaintiffs moved to extend that deadline by eight days.²

Fed. R. Civ. P. 16(b)(4), applicable here via Fed. R. Bankr. P. 7016, provides that a schedule may be modified "only for good cause and with the judge's consent." The parties agree that in order to establish good cause, the moving party must demonstrate "diligence" in attempting to comply with the schedule.³ *See, e.g., Husky Ventures, Inc. v. B55 Invs., Ltd.*, 911 F.3d 1000, 1020 (10th Cir. 2018); *Manuel v. Wichita Hotel Partners, LLC*, No. 09-1244-WEB-KGG, 2010 WL 3861278, at *1-*2 (D. Kan. Sept. 20, 2010). Because Plaintiffs have made no showing of diligence, their motion to extend the discovery deadline is hereby denied.

IT IS SO ORDERED.

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¹ ECF 107.

² ECF 116.

³ Plaintiffs would describe the standard as "diligence tempered with mercy," which would still require at least some (albeit less) diligence.