

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Nozot v. Wal-Mart Associates, Inc.

Nozot · No. 24cv1171-DMS(LR) · Decided March 17, 2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to continue the deadline for requesting an informal discovery conference concerning electronically stored information. The court found good cause under Federal Rule of Civil Procedure 16(b)(4) and continued the deadline from March 14, 2025, to April 21, 2025, leaving all other scheduling-order deadlines unchanged.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Lupe Rodriguez, Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 17, 2025
DOCKET	24cv1171-DMS(LR)
DISPOSITION	other
PROCEDURAL POSTURE	The parties filed a joint motion to continue the deadline for requesting an informal discovery conference concerning electronically stored information discovery under the scheduling order.
STANDARD OF REVIEW	Modification of a scheduling order under Federal Rule of Civil Procedure 16(b)(4) requires good cause and the judge's consent; the good-cause inquiry primarily considers the diligence of the party seeking modification.
PRECEDENTIAL VALUE	Unknown

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

- 1. Whether good cause existed under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the deadline for requesting an informal discovery conference concerning electronically stored information discovery.

HOLDINGS

- 1. Good cause existed to modify the scheduling order, so the court granted the joint motion and continued the plaintiff's deadline to request an informal discovery conference concerning electronically stored information discovery from March 14, 2025, to April 21, 2025.

KEY QUOTATIONS

- “A scheduling order “may be modified only for good cause and with the judge’s consent.”” (1)
- “This good cause standard “primarily considers the diligence of the party seeking the amendment. The district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension.”” (1)

FACTUAL BACKGROUND

The parties reported ongoing discovery efforts involving electronically stored information and stated that document production could not be completed by the existing March 14, 2025 deadline. They agreed to extend the deadline to request an informal discovery conference to allow the defendant time to complete document collection and produce nonprivileged documents by April 21, 2025. The court found good cause based on the joint motion and supporting declaration.

PROCEDURAL HISTORY

The parties sought to extend the March 14, 2025 deadline for requesting an informal discovery conference because document production had not been completed. The court granted the joint motion and approved the parties' stipulation, continuing the deadline to April 21, 2025 while leaving all other scheduling-order deadlines unchanged.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 DAVID NOZOT, Case No.: 24cv1171-DMS(LR) 12 Plaintiff, ORDER GRANTING JOINT 13 v. MOTION TO CONTINUE [ECF NO. 26] 14 WAL-MART

ASSOCIATES, INC., et al., 15 Defendants. 16 17 18 On March 14, 2025, the parties filed a “Joint Moton to Continue the Dates Set in 19 the Court’s Scheduling Order.” (ECF No. 26.)

They describe their discovery efforts to 20 date, and ask the Court to continue the deadline for requesting an informal Discovery 21 Conference (“IDC”) relating to discovery of electronically stored information (“ESI”) 22 until April 21, 2025. (ECF No. 26-1 at 2–3.)

In support, the parties state that they were 23 unable to complete document productions by March 14, 2025, the current deadline for 24 requesting and IDC. (Id. at 2.) The parties further allege that they have agreed to extend 25 the deadline to request an IDC “to allow Defendant sufficient time to complete its 26 collection of documents and subsequently produce said documents by April 21, 2025, 27 absent any privilege protection as to those documents.” (Id. at 3.)

28 1 A scheduling order “may be modified only for good cause and with the judge’s 2 ||consent.” Fed. R. Civ. P. 16(b)(4). This good cause standard “primarily considers the 3 || diligence of the party seeking the amendment.

The district court may modify the pretrial 4 || schedule if it cannot reasonably be met despite the diligence of the party seeking the 5 ||extension.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) 6 || (internal quotation marks and citation omitted). “If that party was not diligent, the 7 inquiry should end.” Id. 8 Having considered the parties’ joint motion and supporting declaration, the Court 9 || finds good cause, GRANTS the motion, and approves the parties’ stipulation.

10 || Accordingly, Plaintiff’s deadline to request an IDC relating to ESI discovery is 11 || CONTINUED from March 14, 2025, until April 21,2025. All other deadlines and 12 ||requirements from the Scheduling Order Regulating Discovery and Other Pretrial 13 || Procedures remain unchanged. (See ECF No. 12.) 14 IT IS SO ORDERED. 15 ||Dated: March 17, 2025 16 LY 17 Honorable Lupe Rodriguez, Jr. 13 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28