

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Munoz v. Costco Wholesale Corporation

Munoz · No. 1:24-cv-00470-KES-CDB · Decided September 4, 2025

SUMMARY

The United States District Court for the Eastern District of California denied the parties’ stipulated request to amend the scheduling order in this removed civil action. The court held that the parties failed to demonstrate diligence and good cause because they sought to reopen discovery and reset deadlines after discovery and the dispositive-motion deadline had expired. The court left the pretrial conference set for January 12, 2026, while permitting a future stipulated request to continue the pretrial conference and trial date if supported by good cause.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 4, 2025
DOCKET	1:24-cv-00470-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a personal-injury action in state court, Defendant removed it to federal court, and the parties jointly sought to amend the scheduling order after discovery and the dispositive-motion deadline had expired.
STANDARD OF REVIEW	A scheduling order may be modified only for good cause and with the judge's consent; good cause primarily depends on the diligence of the party seeking modification.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion to amend
- discovery dispute
- civil procedure
- mediation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the parties established good cause and diligence sufficient to modify the scheduling order and reopen discovery.
2. Whether the court should reset the case-management, pretrial, and trial deadlines based on the parties' stipulated request and anticipated mediation.

HOLDINGS

1. The stipulated request to amend the scheduling order was denied because the parties failed to demonstrate the diligence and good cause required to modify the order.
2. The parties' interest in mediation did not establish good cause to reopen discovery or reset all case-management deadlines, although the parties could submit a separate stipulated request supported by good cause to continue the pretrial conference and trial date.

KEY QUOTATIONS

“A scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril.” (at 2)

“If, however, the moving party “was not diligent, the inquiry should end” and the motion to modify should not be granted.” (at 3)

“In short, the Court cannot conclude that the parties have been diligent or that there is good cause to warrant granting the parties’ stipulated request to reset case management dates.” (at 4)

FACTUAL BACKGROUND

The court entered a scheduling order requiring the parties to complete nonexpert discovery by March 21, 2025, expert discovery by June 2, 2025, and dispositive motions by a later deadline. The parties did not complete all desired depositions and did not timely seek an extension. They filed a stipulated request on September 3, 2025, nearly six months after nonexpert discovery closed, asserting that additional depositions remained and that mediation was anticipated for late December 2025 or early January 2026.

PROCEDURAL HISTORY

Plaintiff filed the complaint in Kern County Superior Court on February 20, 2024, and Defendant removed the action on April 19, 2024. The district court entered a scheduling order setting discovery, motion, pretrial, and trial deadlines. After the discovery deadlines and dispositive-motion deadline passed, the parties filed a stipulated request to reset the case-management dates and deadlines, which the court denied.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609-10 (9th Cir. 1992)
- Wong v. Regents of Univ. of Cal., 410 F.3d 1052, 1060 (9th Cir. 2005)
- Zivkovic v. S. Cal. Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)
- Jerpe v. Aerospatiale, No. CIV. S-03-555 LKK/DAD, 2007 WL 781977, at *2 (E.D. Cal. Mar. 13, 2007)

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