

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

OPINION

Munoz v. Costco Wholesale Corporation

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MELISSA GONZALEZ MUNOZ, Case No. 1:24-cv-00470-KES-CDB 12 Plaintiff,
ORDER DENYING STIPULATED

13 v. REQUEST TO AMEND SCHEDULING
ORDER

14 COSTCO WHOLESALE
CORPORATION, (Doc. 19)

15 Defendant. 16

17 Relevant Background 18 Plaintiff Melissa Gonzalez Munoz (“Plaintiff”) initiated this action
with the filing of a 19 complaint on February 20, 2024, in Kern County Superior Court. (Doc. 1).
Defendant Costco 20 Wholesale Corporation (“Defendant”) removed the action to this Court on
April 19, 2024. Id. On

21 July 17, 2024, following receipt of the parties’ joint scheduling report and convening for
22 scheduling conference, the Court entered the operative scheduling order setting forth discovery
23 and case management dates and deadlines. (Doc. 12). The undersigned admonished that the
case 24 management dates “are considered to be firm and will not be modified absent a showing
of good 25 cause even if the request to modify is made by stipulation.” Id. at 7 (emphasis in
original). 26 On February 5, 2025, based on the information contained in the parties’ untimely
joint 27 status report (Doc. 14) filed in response to the Court’s order to show cause (Doc. 13), the
Court 28 vacated the mid-discovery status conference and reminded the parties of “their
obligation to 1 diligently pursue and timely complete discovery within the scheduled case
management dates.” 2 (Doc. 15). 3 Pursuant to the scheduling order, nonexpert discovery closed
on March 21, 2025, and 4 expert discovery closed on June 2, 2025. (Doc. 12). After neither party
filed a dispositive motion 5 following the close of discovery and the deadline to do so passed, on
August 22, 2025, the Court 6 ordered the parties to meet and confer and file a joint report no later
than September 2, 2025, 7 addressing issues pertaining to a possible settlement conference. (Doc.

17). On September 3, 8 2025, after the parties failed to comply with the Court's order and timely file a joint report, the 9 Court ordered the parties to show cause in writing why sanctions should not be imposed. (Doc. 10 18). 11 Although their deadline to respond has not run, the parties have not filed any response to 12 the Court's show cause order. 13 Stipulated Request to Reset Case Management Dates and Deadlines 14 Pending before the Court is the parties' joint stipulated request to reset case management 15 dates and deadlines, filed on September 3, 2025. (Doc. 19). The parties assert good cause exists 16 to reset the operative case management dates, deadlines, and trial date, as they "have been 17 diligently pursuing timely discovery in this matter" and "despite the parties' diligence in 18 competing discovery, depositions remain to be conducted, including the deposition of Plaintiff's 19 husband, which had to be rescheduled from September 2025 to October 2025 due to scheduling 20 conflicts." Id. ¶¶ 1, 8. The parties further represent they have agreed on a mediator with 21 anticipated dates for mediation in late December 2025 or early January 2026. Id. ¶ 8. 22 Standard of Law 23 District courts enter scheduling orders in actions to "limit the time to join other parties, 24 amend the pleadings, complete discovery, and file motions." Fed. R. Civ. P. 16(b)(3). Once 25 entered, a scheduling order "controls the course of the action unless the court modifies it." Fed. R. Civ. P. 16(d). Scheduling orders are intended to alleviate case management problems. *Johnson v. 27 Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). 28 "A scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly 1 disregarded by counsel without peril." Id. (quotation and citation omitted). Under Federal Rule 2 of Civil Procedure 16(b), a scheduling order "may be modified only for good cause and with the 3 judge's consent." Fed. R. Civ. P. 16(b)(4). As the Court of Appeals has observed: 4 In these days of heavy caseloads, trial courts in both the federal and state systems routinely set schedules and establish deadlines to foster efficient 5 treatment and resolution of cases. Those efforts will be successful only if the 6 deadlines are taken seriously by the parties, and the best way to encourage that is to enforce the deadlines. Parties must understand that they will pay a price 7 for failure to comply strictly with scheduling and other orders[.] 8 *Wong v. Regents of Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005). "Rule 16(b)'s 'good cause' 9 standard primarily considers the diligence of the party seeking the amendment." *Johnson*, 975 10 F.2d at 609. If the moving party is unable to reasonably meet a deadline despite acting diligently, 11 the scheduling order may be modified. Id. If, however, the moving party "'was not diligent, the 12 inquiry should end' and the motion to modify should not be granted." *Zivkovic v. So. Cal. Edison 13 Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting *Johnson*, 975 F.2d at 609). 14 Moreover, in the Eastern District of California, "[r]equests for Court-approved extensions 15 brought on the required filing date for the pleading or other document are looked upon with 16 disfavor." E.D. Cal. Local Rule 144(d). Instead, this Court's local rules require counsel to "seek 17 to obtain a necessary extension from the Court or from other counsel or parties in an action as soon 18 as the need for an extension becomes apparent." Id. (emphasis added). 19 Discussion 20 The parties fail to demonstrate diligence and good cause sufficient to warrant reopening of 21

discovery and the resetting of all case management dates and deadlines previously set in this action. 22 Though the parties represent generally that additional time is needed to facilitate discovery, and 23 have expressed an interest in exploring mediation, no showing is made why a reset of all deadlines 24 is appropriate here, particularly in light of the parties' untimely request only after discovery and 25 the deadline to file pretrial motions had expired. To begin with, the parties filed their stipulated 26 request to continue all discovery, case management, pretrial and trial dates and deadlines nearly 27 six months after the deadline to complete nonexpert discovery already had expired. See (Doc. 12 28 at 3) ("The parties are ordered to complete all discovery pertaining to non-experts on or before 1 | March 21, 2025[.]") (emphasis in original). Such conduct reflects the antithesis of diligence. See 2 | *Jerpe v. Aerospatiale*, No. CIV. S-03-555 LKK/DAD, 2007 WL 781977, at *2 (E.D. Cal. Mar. 13, 3 | 2007) ("plaintiffs delayed until after even the close of discovery to bring their motion to modify 4 | the scheduling order. This is, as defendants point out, the antithesis of diligence" under L.R. 144). 5 Moreover, the parties' conclusory proffer of purported good cause in support of their 6 | request to reset case management dates is deficient as it is unsupported by any attorney declaration 7 | or otherwise any explanation of the significant delay in timely completing discovery or why the 8 | parties were unable to timely request an extension of discovery dates and deadlines. By way of 9 | example, the parties offer no explanation as to why "depositions remain to be conducted," to 10 | include the rescheduling of a deposition of Plaintiff's husband "from September 2025 to October 11 | } 2025"—several months after fact discovery had already closed. Without any explanation, it 12 | unquestionably was "apparent" to counsel long before the parties filed their instant request to 13 | amend the scheduling order that an amendment of the case management schedule was "necessary." 14 | See E.D. Cal. Local Rule 144(d). 15 In short, the Court cannot conclude that the parties have been diligent or that there is good 16 | cause to warrant granting the parties' stipulated request to reset case management dates. Discovery 17 || is closed. The deadline to file dispositive motions has expired. The pre-trial conference remains 18 | set for January 12, 2026. Should the parties seek to continue the pretrial conference and trial date 19 | to accommodate mediation in December 2025 or January 2026 (see Doc. 19 ¶ 8), they may file a 20 || stipulated request setting forth good cause for any such requested continuance. 21 Conclusion and Order 22 Accordingly, it is HEREBY ORDERED that the parties' stipulated request to amend the 23 | scheduling order (Doc. 19) is DENIED. It IS SO ORDERED. Dated: _ September 4, 2025

26 UNITED STATES MAGISTRATE JUDGE

27 28