

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Haggerty v. Lynch

Haggerty · No. 2:21-cv-01248-DJC-AC · Decided April 1, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Defendants’ request to extend the deadline for filing their pretrial statement because Plaintiff had not yet filed his statement. Defendants must file their statement by April 7, 2025, and may amend it after reviewing Plaintiff’s submission.

CASE DETAILS

|                       |                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                      |
| WRITING FOR THE COURT | Daniel C. Calabretta                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                      |
| DECIDED               | April 1, 2025                                                                                                                                                            |
| DOCKET                | 2:21-cv-01248-DJC-AC                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Defendants moved for an extension of time to file their pretrial statement in a prisoner civil-rights action.                                                            |
| STANDARD OF REVIEW    | The district court has broad discretion in supervising the pretrial phase of litigation; modification of a Rule 16 schedule requires good cause and the judge's consent. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                              |

TOPICS

civil procedure

PRACTICE AREAS

civil procedureprisoner civil rights

QUESTIONS PRESENTED

1. Whether Defendants had shown good cause under Federal Rule of Civil Procedure 16(b)(4) to extend the deadline for filing their pretrial statement.

## HOLDINGS

1. Good cause existed to modify the scheduling order because Plaintiff had not filed his pretrial statement, so Defendants' request for an extension was granted. Defendants were permitted to file their pretrial statement by April 7, 2025, with leave to amend it after reviewing Plaintiff's submission.

## KEY QUOTATIONS

*“The district court has broad discretion in supervising the pretrial phase of litigation.”* (at 1)

*“The schedule may be modified if it cannot be reasonably met despite the diligence of the party seeking the extension.”* (at 1)

## FACTUAL BACKGROUND

The Court's scheduling order required Plaintiff to submit a pretrial statement by March 20, 2025, and Defendants to submit theirs by April 3, 2025. Plaintiff had not filed his pretrial statement as of the date of the order. Defendants therefore requested an extension until fourteen days after Plaintiff submitted his statement.

## PROCEDURAL HISTORY

The Court's October 3, 2024 Scheduling Order required Plaintiff to file and serve his pretrial statement by March 20, 2025, and Defendants to file theirs by April 3, 2025. Plaintiff had not filed his statement when Defendants requested an extension. The Court granted Defendants leave to file their statement by April 7, 2025, and to amend it after reviewing Plaintiff's submission.

## DISPOSITION

other

## CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)
- Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)

## OPINION

(PC) Haggerty v. Lynch

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 LEE E. HAGGERTY, No. 2:21-cv-01248-DJC-AC

12 Plaintiff, 13 v. ORDER 14 JEFF LYNCH, et al., 15 Defendants. 16 17 18 Pending before the  
Court is Defendants' request for an extension to file their 19 pretrial statement until fourteen days  
after Plaintiff submits his pretrial statement. 20 (ECF No. 59). Pursuant to the Scheduling Order  
issued on October 3, 2024, Plaintiff 21 was ordered to file and serve a pretrial statement on or  
before March 20, 2025, and 22 Defendants were ordered to file their pretrial statement on or  
before April 3, 2025. 23 (ECF No. 54.) However, as of the date of this Order, Plaintiff has not filed  
his pretrial 24 statement. 25 The district court has broad discretion in supervising the pretrial phase  
of 26 litigation. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) 27  
(citation omitted). Under Rule 16(b), "[a] schedule may be modified only for good 28 cause and  
with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be 1 | modified if it cannot  
be reasonably met despite the diligence of the party seeking the 2 | extension." *Zivkovic v.*  
*Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 3 | 2002) (citation and quotation  
marks omitted). 4 The Court finds good cause exists here as Plaintiff has yet to file his pretrial 5 |  
statement. Thus, the Court GRANTS Defendants' request for an extension to file the 6 | pretrial  
statement on or by April 7, 2025. The Court will address the Plaintiff's failure 7 | to file a pretrial  
statement at the final pretrial conference. Defendants are further 8 | GRANTED leave to amend  
their statement following Plaintiff's submission to review 9 | and, if necessary, address matters  
raised in Plaintiff's pretrial statement. 10 Accordingly, IT IS HEREBY ORDERED that  
Defendants' request for an extension 11 | is GRANTED to file the pretrial statement on or before  
April 7, 2025, with leave to 12 | amend. 13 14 IT IS SO ORDERED. 15 | Dated: \_April 1, 2025  
"Daniel CoD tto— Hon. Daniel ☐☐|. Cod  
16 UNITED STATES DISTRICT JUDGE  
17 18 19 20 21 22 | DJC6- HAGGERTY21cv01248.extension 23 24 25 26 27 28