

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

N. L. v. Hanford Joint Union High School District

No. 1:23-cv-01216-KES-SAB (E.D. Cal. Mar. 24, 2025) · No. 1:23-cv-01216-KES-SAB · Decided March 24, 2025

SUMMARY

The United States District Court for the Eastern District of California partially granted and partially denied the parties’ stipulated motion to modify the scheduling order. The court denied the request to reopen non-expert discovery for lack of diligence but extended the expert-disclosure, expert-discovery, and dispositive-motion deadlines based on good cause related to plaintiff’s counsel’s medical procedure. The court also set the pretrial conference for September 14, 2026, and trial for December 1, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	1:23-cv-01216-KES-SAB
DISPOSITION	other
PROCEDURAL POSTURE	The parties filed a stipulated motion to modify the Rule 16 scheduling order, seeking to reopen non-expert discovery and extend expert-disclosure, expert-discovery, and dispositive-motion deadlines.
STANDARD OF REVIEW	A Rule 16 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; if diligence is not shown, the inquiry ends, although prejudice and other factors may also be considered.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

civil procedure

discovery

QUESTIONS PRESENTED

1. Whether the parties established good cause and diligence sufficient to retroactively reopen non-expert discovery after the deadline had expired.
2. Whether the parties established good cause to extend the expert-disclosure, expert-discovery, and dispositive-motion deadlines.
3. Whether the court should set pretrial-conference and trial dates because those dates had not previously been set.

HOLDINGS

1. The parties failed to show the diligence required for good cause under Rule 16(b)(4), so the court denied the stipulated request to reopen non-expert discovery.
2. The court found good cause to extend the expert-disclosure, supplemental-expert-disclosure, expert-discovery, and dispositive-motion deadlines by approximately six months.
3. The court set a pretrial conference for September 14, 2026, and a trial for December 1, 2026, before District Judge Kirk E. Sherriff.

KEY QUOTATIONS

“A scheduling order “may be modified only for good cause and with the judge’s consent.”” (at 2)

“When ruling on a motion to amend a Rule 16 scheduling order to reopen discovery, the Court is to “consider the following factors: 1) whether trial is imminent, 2) whether the request is opposed, 3) whether the non-moving party would be prejudiced, 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, 5) the foreseeability of the need for additional discovery in light of the time allowed for discovery by the district court, and 6) the likelihood that the discovery will lead to relevant evidence.”” (at 3)

“The parties may continue to work together and agree to conduct non-expert discovery after the February 28, 2025 deadline. However, they must do so without judicial enforcement, as any motion to compel or other non-expert discovery motion made to the Court after the expiration of the discovery cutoff “may result in denial of the motion as untimely.”” (at 5)

FACTUAL BACKGROUND

The parties had conducted substantial fact discovery, including exchanging disclosures and written discovery, producing documents, meeting and conferring, and taking depositions. Defendants had not taken the plaintiff's in-person deposition, and a District employee whom plaintiff's counsel wished to depose was on medical leave. Plaintiff's counsel also anticipated a medical procedure followed by approximately three months of recovery, prompting the requested extensions.

PROCEDURAL HISTORY

A scheduling order issued on December 5, 2023. After the non-expert discovery deadline expired on February 28, 2025, the parties filed a stipulated motion on March 21, 2025. The court denied the request to reopen non-expert discovery, granted extensions of the expert and dispositive-motion deadlines, and set pretrial and trial dates.

DISPOSITION

other

CASES CITED

- Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988)
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)
- Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)
- United States ex rel. Terry v. Wasatch Advantage Grp., LLC, 327 F.R.D. 395, 404 (E.D. Cal. 2018)
- W. Coast Theater Corp. v. City of Portland, 897 F.2d 1519, 1524 (9th Cir. 1990)
- City of Pomona v. SQM N. Am. Corp., 866 F.3d 1060, 1066 (9th Cir. 2017)
- Wong v. Regents of Univ. of California, 410 F.3d 1052, 1060 (9th Cir. 2005)