

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Alberto Blanco Onofre, et al. v. Ford Motor Company, et al.

Onofre · No. 25cv485-TWR (MSB) · Decided October 14, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted the parties’ joint motion to amend the scheduling order in this Ford Motor Company litigation. The court found good cause to extend discovery, expert-designation, motion, settlement, and pretrial deadlines, while reminding the parties to comply with the magistrate judge’s chambers rules for future continuance requests.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michael S. Berg
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 14, 2025
DOCKET	25cv485-TWR (MSB)
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to amend the scheduling order and extend discovery and pretrial deadlines.
STANDARD OF REVIEW	A scheduling order may be modified only for good cause and with the judge's consent; the good-cause inquiry primarily considers the diligence of the party seeking modification.
PRECEDENTIAL VALUE	Unknown; district court scheduling order with no reported citation

TOPICS

- motion to amend
- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether the parties established good cause to modify the scheduling order and extend discovery and pretrial deadlines.
2. Whether the joint motion should be granted despite being filed after the first affected deadline and failing to comply with the magistrate judge's chambers rules.

HOLDINGS

1. The court may modify the scheduling order upon a showing of good cause, with diligence being the primary consideration under Federal Rule of Civil Procedure 16(b)(4).
2. The court granted the joint motion in part and issued an amended scheduling order, while declining to approve the requested continuances as submitted because the motion was filed after the first affected deadline, lacked the required counsel declaration, and sought changes to pretrial dates before the district judge.

KEY QUOTATIONS

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

“This good cause standard “primarily considers the diligence of the party seeking the extension.”” (2)

“If that party was not diligent, the inquiry should end.” (2)

FACTUAL BACKGROUND

At the time of the motion, depositions of the plaintiffs and Ricardo Blanco were incomplete, and Ford anticipated potential discovery disputes concerning those depositions. The parties reported that they were working diligently to complete discovery, including Ford's deposition of its most qualified person and meet-and-confer efforts concerning plaintiffs' second request for production of documents.

PROCEDURAL HISTORY

Plaintiffs and Ford Motor Company filed a joint stipulation that the court construed as a joint motion under Civil Local Rule 7.2. The court found that the motion was untimely and did not comply with chambers-rule requirements, but granted it in part because it was the parties' first request and the record established good cause for an approximately forty-five-day extension.

DISPOSITION

other

CASES CITED

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

OPINION

Onofre

PER CURIAM.

2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 Case No.: 25cv485-TWR (MSB) ALBERTO BLANCO ONOFRE, et al., 12 Plaintiffs,
ORDER:

13 v. (1) GRANTING IN PART JOINT MOTION

[ECF NO. 19]; 14

FORD MOTOR COMPANY, et al., 15 Defendants. (2) ISSUING AMENDED SCHEDULING
ORDER

16 17 18 On October 9, 2025, Plaintiffs Alberto Blanco Onofre and Luis Blanco (“Plaintiffs”) 19
and Defendant Ford Motor Company (“Defendant”) (collectively, the “Parties”) filed a 20 Joint
Stipulation to Amend the Scheduling Order. (ECF No. 19.) Pursuant to Civil Local

21 Rule 7.2, the Court construes this as a Joint Motion. (See CivLR 7.2.) During a

22 Telephonic Case Management Conference on October 6, 2025, the Parties informed the 23
Court they planned to file a joint request seeking an extension of all discovery dates. 24 (ECF No.

18.) The undersigned told the Parties this would be fine, provided they did not 25 request to move
any pre-trial dates in front of the Honorable District Judge Todd W. 26 Robinson. However, the
instant Joint Motion seeks to continue most dates, including 27 the dispositive motions filing

cutoff and Final Pretrial Conference in front of Judge 2 • Expert Discovery Cutoff: continued from

February 5, 2026, to February 13, 2026 3 • Expert Witness Designations1: continued from

November 7, 2025, to December 5, 4 2025 5 • Rebuttal Expert Witness Designations2: continued

from November 21, 2025, to

6 December 19, 2025

7 • Pretrial Motions Filing Cutoff: continued from March 5, 2026, to May 7, 2026 8 • Final Pretrial

Conference: continued from August 6, 2026, to October 8, 2026 9 (Id. at 3.) 10 In support, the

Parties explain the depositions of Plaintiffs and Ricardo Blanco are 11 not yet complete, and

Defendant anticipates potential discovery disputes related to 12 these depositions. (Id. at 2.) The

Parties say they “have been working diligently to 13 complete discovery,” including by (1)

completing the deposition of Defendant’s person 14 most qualified, which is anticipated to take

place in October; and (2) meeting and 15 conferring regarding Plaintiffs’ Request for Production

of Documents, Set Two. (Id.) 16 They agree additional time is necessary to complete the

outstanding depositions and 17 resolve written and production discovery issues. (Id. at 3.) This is

the Parties’ first 18 request to amend the Scheduling Order. (Id.) 19 A scheduling order “may be

modified only for good cause and with the judge’s 20 consent.” Fed. R. Civ. P. 16(b)(4). This good

cause standard “primarily considers the 21 diligence of the party seeking the amendment. The

district court may modify the 22 23 24 1 The Parties erroneously refer to this as “Expert Witness

Disclosures.” The Scheduling Order says: 25 “The Parties shall designate their respective experts in writing by November 7, 2025.” (ECF No. 10 at 2.) Additionally, “each Party shall comply with the disclosure provisions in Rules 26(a)(2)(A) and (B)” by 26 December 22, 2025. (Id. at 3.)

2 The Parties erroneously refer to this as “Rebuttal Expert Witness Disclosures.” The Scheduling Order 27 says: “The date for exchange of rebuttal experts shall be by November 21, 2025.” (ECF No. 10 at 2.) 2 seeking the extension.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th

3 Cir. 1992) (citing Fed. R. Civ. P. 16 advisory committee’s notes (1983 amendment) and

4 collecting cases). “If that party was not diligent, the inquiry should end.” Id. Pursuant 5 to Magistrate Judge Berg’s Civil Chambers Rules, any request to continue a deadline 6 “shall be made in writing no less than seven (7) calendar days before the affected date.” 7 (See Judge Berg’s Civil Chambers Rules, Part V.) Additionally, any request to continue a 8 deadline must include “[a] declaration from counsel of record detailing the steps taken 9 to comply with the dates and deadlines set in the order, and the specific reasons why 10 the deadlines cannot be met.” (Id.) 11 Here, the Parties filed their Joint Motion after the fact discovery cutoff, the first 12 affected date they seek to modify. (ECF Nos. 10 & 19.) They did not abide by Judge 13 Berg’s requirement that all requests to continue a scheduling order deadline be 14 submitted at least seven calendar days before the affected date, nor did they provide a 15 declaration detailing the steps taken to comply with the current deadlines. Additionally, 16 the Parties seek to modify pre-trial dates in front Judge Robinson, contrary to the 17 discussion at the October 6, 2025, Telephonic Case Management Conference. (ECF Nos. 18 18 & 19.) Despite these deficiencies, because this is the Parties’ first request, the Court 19 finds good cause to continue the case schedule by approximately forty-five days. The 20 Court GRANTS IN PART the Joint Motion and ISSUES the following Amended Scheduling 21 Order: 22 Event Current Deadline New Deadline 23 Fact Discovery Cutoff October 8, 2025 November 21, 2025 24 Expert Witness November 7, 2025 December 22, 2025 Designations 25 Rebuttal Expert Witness

26 November 21, 2025 January 5, 2026

Designations 27 Expert Disclosures December 22, 2025 February 5, 2026 1 Supplemental Disclosures 2 Regarding Contradictory January 5, 2026 February 19, 2026 or Rebuttal Evidence 3 Expert Discovery Cutoff February 5, 2026 March 19, 2026 Pretrial Motions Filing March 5, 2026 April 20, 2026 5 Cutoff 6 Mandatory Settlement June 25, 2026, at 9:30 | August 6, 2026, at Conference before the am 9:30 a.m 7 Honorable Michael S. Berg oo 8 MSC Statements? June 18, 2026 July 30, 2026 9 Pre-Trial Disclosures and Memoranda of 10 202 20, 202 Contentions of Fact and July 9, 2026 August 20, 2026 11 Law 12 Meeting of Counsel L.R. July 16, 2026 August 27, 2026 13 16.1(f)(4) Draft Pre-Trial Order to 14 Defense Counsel July 23, 2026 September 3, 2026 15 Tri Lodge Proposed Pre-Trial July 30, 2026 September 10, 2026 16 Conference Order 17 Final Pretrial Conference | 4 6, 2026, at 1:30 | September 17, 2026, before the Honorable m at 1:30 p.m

18 Todd W. Robinson p.m. au Pem. 19 20 || The Parties are reminded that future continuance requests must comply with Judge 21 || Berg's Civil Chambers Rules, Part V. 99 IT IS SO ORDERED. 23 Dated: October 14, 2025 _ a Honorable Michael S. Berg 25 United States Magistrate Judge 26 27 || 28 All guidelines in the Court's original Scheduling Order remain in place. (See ECF No. 10.)