

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

I.L. v. Six Flags Entertainment Corp.

I.L. · No. 1:23-cv-01769-KES-CDB · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice the parties’ stipulated request to extend case management dates, including the deadline for completing nonexpert discovery. The court found that the request was filed on the deadline, lacked the affidavits or declarations required by the scheduling order, and did not establish good cause or diligence under Federal Rule of Civil Procedure 16(b).

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	July 15, 2025
DOCKET	1:23-cv-01769-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly stipulated to extend case-management dates, including the deadline for completing nonexpert discovery, in anticipation of briefing on plaintiffs' motion for class certification. The district court denied the request without prejudice.
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PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- civil procedure
- class actions

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the discovery deadline.
2. Whether the stipulated request complied with the court's scheduling order and Eastern District of California Local Rule 144(d).

HOLDINGS

1. The parties failed to establish good cause for modifying the scheduling order because their submission did not demonstrate sufficient diligence or provide adequate details concerning their discovery efforts.
2. The request did not comply with the operative scheduling order or Local Rule 144(d) because it lacked the required affidavit or declaration and was filed on the deadline, making the requested extension *nunc pro tunc*.

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)

*“The Court disfavors granting relief *nunc pro tunc* and admonishes the parties to exercise better care and to adhere to this Court’s Local Rules in all future filings.”* (at 3)

FACTUAL BACKGROUND

The parties had exchanged written discovery requests and engaged in meet-and-confer efforts concerning discovery disputes, depositions, the scope of a Federal Rule of Civil Procedure 30(b)(6) deposition, and a subpoena to nonparty IBCCES. They requested an extension on the first day of the nonexpert-discovery deadline, without submitting the affidavit or declaration required by the operative scheduling order and without providing enough detail to demonstrate diligence.

PROCEDURAL HISTORY

The parties filed a stipulated request on the deadline they sought to extend. They described ongoing discovery disputes and meet-and-confer efforts but did not provide the attorney affidavit or declaration required by the operative scheduling order, and their submission did not establish good cause or sufficient diligence.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609-610 (9th Cir. 1992)
- Wong v. Regents of the University of California, 410 F.3d 1052, 1060 (9th Cir. 2005)
- Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 I.L., et al., Case No. 1:23-cv-01769-KES-CDB 12 Plaintiffs, ORDER
DENYING PARTIES' 13 v. STIPULATED REQUEST TO EXTEND CASE MANAGEMENT
DATES 14 SIX FLAGS ENTERTAINMENT CORP., et al., (Doc. 57) 15 Defendants. 16 17
Pending before the Court is the parties' joint stipulated request to extend the time for taking 18
discovery in advance of their briefing of Plaintiffs' anticipated motion for class certification, filed
19 on July 11, 2025 -- the deadline to complete nonexpert discovery.

(Doc. 57 at 3-4). 20 In support of the request, the parties represent that they have exchanged
written discovery 21 requests and engaged in substantial meet and confer efforts concerning
disputes related to said 22 requests.

The parties represent that they have met and conferred regarding depositions of Plaintiffs 23 and
accommodations for their completion, particularly as to mutually available dates. They further 24
represent that they have met and conferred regarding the scope of topics at issue in the deposition
25 requested by Plaintiff pursuant to Federal Rule of Civil Procedure 30(b)(6), and have come to
an 26 agreement regarding the scope thereof, with said deposition to proceed on a mutually
available date 27 after the depositions of Plaintiffs J.M. and C.T.

Lastly, the parties provide that they are "in the 28 process of further meeting and conferring
concerning the scope of a subpoena that Plaintiffs 1 directed to non-party International Board of
Credentialing and Continuing Education Standards 2 ('IBCCES')." (Doc. 57 at 2). 3 Discussion 4
District courts enter scheduling orders in actions to "limit the time to join other parties, 5 amend
the pleadings, complete discovery, and file motions." Fed.

R. Civ. P. 16(b)(3). Once 6 entered, a scheduling order "controls the course of the action unless the
court modifies it." Fed. R 7 Civ. P. 16(d). Scheduling orders are intended to alleviate case
management problems. *Johnson v. 8 Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir.
1992). 9 "A scheduling order is not a frivolous piece of paper, idly entered, which can be
cavalierly 10 disregarded by counsel without peril." *Id.* (quotation and citation omitted).

Under Federal Rule of 11 Civil Procedure 16(b), a scheduling order "may be modified only for
good cause and with the 12 judge's consent." Fed. R. Civ. P. 16(b)(4). As the Court of Appeals has
observed: 13 In these days of heavy caseloads, trial courts in both the federal and state systems
routinely set schedules and establish deadlines to 14 foster efficient treatment and resolution of
cases.

Those efforts will be successful only if the deadlines are taken seriously by the parties, 15 and the
best way to encourage that is to enforce the deadlines. Parties must understand that they will pay a
price for failure to comply 16 strictly with scheduling and other orders... 17 *Wong v. Regents of*
Univ. of Cal., 410 F.3d 1052, 1060 (9th Cir. 2005). "Rule 16(b)'s 'good cause' 18 standard

primarily considers the diligence of the party seeking the amendment.” Johnson, 975 F.2d 19 at 609.

If the moving party is unable to reasonably meet a deadline despite acting diligently, the 20 scheduling order may be modified. Id. If, however, the moving party “‘was not diligent, the inquiry 21 should end’ and the motion to modify should not be granted.” Zivkovic v. So. Cal. Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 609).

23 Moreover, in the Eastern District of California, “[r]equests for Court-approved extensions 24 brought on the required filing date for the pleading or other document are looked upon with 25 disfavor.” E.D. Cal. Local Rule 144(d). Instead, this Court’s local rules require counsel to “seek 26 to obtain a necessary extension from the Court or from other counsel or parties in an action as soon 27 as the need for an extension becomes apparent.” Id. (emphasis added).

28 Here, the parties failed to file in support of their stipulated request any attorney affidavit or 1 | declaration, as required by the operative scheduling order. (Doc. 35 at 4, noting “Stipulations 2 | extending the deadlines contained herein will not be considered unless they are accompanied by 3 | affidavits or declarations, and where appropriate attached exhibits, which establish good cause for 4 | granting the relief requested”; emphasis omitted).

Furthermore, the parties filed their stipulated 5 || request on the first date they seek to extend -- deadline for completing nonexpert discovery. Thus, 6 | the parties’ request violates Local Rule 144 as any such extension will be nunc pro tunc.

The Court 7 | disfavors granting relief nunc pro tunc and admonishes the parties to exercise better care and to 8 | adhere to this Court’s Local Rules in all future filings. Finally, the unattested representations 9 | contained in the parties’ stipulation fall short of demonstrating good cause for the requested 10 | extension -- the parties provide scarce details about their undertaking of discovery to date that 11 | prevents the Court from assessing their diligence.

12 For the foregoing reasons, the Court will deny the request without prejudice. 13 Conclusion and Order 14 Accordingly, the parties’ joint stipulated request to extend case management dates (Doc. 15 | 57) is DENIED without prejudice. 16 | IT IS SO ORDERED. '7 | Dated: _ July 14, 2025 | hr 18 UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28