

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Deveroux v. County of Kern

Deveroux · No. 1:23-cv-00239-CDB · Decided February 24, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the parties’ stipulated request to amend the scheduling order based on good cause. The order extends discovery and expert-disclosure deadlines, advances the pretrial conference, and continues the trial date from September 9, 2025, to September 16, 2025.

OPINION

Deveroux v. County of Kern

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALAIN DEVEROUX AND JENNIFER Case No. 1:23-cv-00239-CDB VALLE,
individually, and as successors in 12 interest of JULIEN DEVEROUX, ORDER GRANTING
PARTIES’ 13 Plaintiffs, STIPULATED REQUEST TO AMEND

CASE MANAGEMENT DATES

14 v. (Doc. 153) 15 COUNTY OF KERN, et al.,

ORDER CONTINUING TRIAL DATE

16 Defendants. 17

18 19 Background 20 Pending before the Court is the parties’ fifth1 joint stipulated request to
amend the 21 scheduling order. (Doc. 153). In support of the request, the parties represent that
discovery 22 deadlines should be extended due to the addition of new defendants in the second
amended 23 complaint, filed on November 26, 2024 (Doc. 125). (Doc. 153 at 1). 24 Separately, in
their joint stipulated request, the parties request the pre-trial conference date 25 be advanced
because of a scheduling conflict with Plaintiffs’ counsel. Id. at 1-2. 26 /// 27 /// 28 1 Discussion 2
District courts enter scheduling orders in actions to “limit the time to join other parties, 3 amend
the pleadings, complete discovery, and file motions.” Fed. R. Civ. P. 16(b)(3). Once entered, 4 a
scheduling order “controls the course of the action unless the court modifies it.” Fed. R Civ. P. 5
16(d). Scheduling orders are intended to alleviate case management problems. Johnson v. 6
Mammoth Recreations, Inc., 975 F.2d 604, 610 (9th Cir. 1992). 7 “A scheduling order is not a
frivolous piece of paper, idly entered, which can be cavalierly 8 disregarded by counsel without

peril.” Id. (quotation and citation omitted). Under Federal Rule of Civil Procedure 16(b), a scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4); see *Wong v. Regents of Univ. of Cal.*, 410 F.3d 1052, 11060 (9th Cir. 2005). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” *Johnson*, 975 F.2d at 609. If the moving party is unable to reasonably meet a deadline despite acting diligently, the scheduling order may be modified. Id. If, however, the moving party “‘was not diligent, the inquiry 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). The parties propose the following extended deadlines (Doc. 153 at 2):

Event	Current Date	New Date
Nonexpert Discovery Deadline (and Discovery)	04/07/2025	05/17/2025
Motion Hearing Deadline	02/24/2025	04/14/2025
Expert Disclosure Deadline	03/10/2025	04/28/2025
Expert Discovery Deadline	04/14/2025	05/16/2025
Pre-Trial Conference	07/14/2025	07/07/2025

For good cause shown, the parties’ stipulated request to amend the scheduling order (Doc. 153) will be granted. Additionally, to accommodate the Court’s schedule, the trial date will be continued from September 9, 2025, to September 16, 2025. All other dates shall remain unmodified.

1 | Conclusion and Order 2 In light of the parties’ representations and good cause appearing, IT IS HEREBY 3 | ORDERED that the scheduling order (Docs. 48, 54, 66, 93, 122) be amended as follows: 4 1. Nonexpert Discovery deadline extended from April 7, 2025, to May 17, 2025. 5 2. Expert Disclosures extended from February 24, 2025, to April 14, 2025. 6 3. Rebuttal Expert Disclosures extended from March 10, 2025, to April 28, 2025. 7 4. Expert Discovery deadline extended from April 14, 2025, to May 16, 2025. 8 5. The Pre-Trial Conference advanced from July 14, 2025, to July 7, 2025. 9 6. Trial is continued from September 9, 2025, to September 16, 2025. 10 | IT IS SO ORDERED. | Dated: _ February 24, 2025 | hr

12 UNITED STATES MAGISTRATE JUDGE

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