

**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

OPINION

Deveroux v. County of Kern

PER CURIAM.

1 2 3 4 5 6 7

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 9 Civil Procedure 16(b), a
scheduling order "may be modified only for good cause and with the 10 judge's consent." Fed. R.
Civ. P. 16(b)(4); see Wong v. Regents of Univ. of Cal., 410 F.3d 1052, 11 1060 (9th Cir. 2005).
"Rule 16(b)'s 'good cause' standard primarily considers the diligence of the 12 party seeking the
amendment." Johnson, 975 F.2d at 609. If the moving party is unable to 13 reasonably meet a
deadline despite acting diligently, the scheduling order may be modified. Id. If, 14 however, the

moving party “‘was not diligent, the inquiry should end’ and the motion to modify 15 should not be granted.” *Zivkovic v. So. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) 16 (quoting *Johnson*, 975 F.2d at 609). 17 The parties propose the following extended deadlines (Doc. 153 at 2): 18 Event Current Date New Date 19 Nonexpert Discovery Deadline (and Discovery 04/07/2025 05/17/2025 20 Motion Hearing Deadline) 21 Expert Disclosure Deadline 02/24/2025 04/14/2025 22 Rebuttal Expert Disclosure Deadline 03/10/2025 04/28/2025 23 Expert Discovery Deadline 04/14/2025 05/16/2025 24 Pre-Trial Conference 07/14/2025 07/07/2025 25 For good cause shown, the parties’ stipulated request to amend the scheduling order (Doc. 26 153) will be granted. Additionally, to accommodate the Court’s schedule, the trial date will be 27 continued from September 9, 2025, to September 16, 2025. All other dates shall remain 28 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 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28