

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Road Safety Services, Inc. v. Sun Valley Markings, LLC, Joshua A. Verdoni, Chris Brandt, Blair Jones, and XYZ Corporation, Inc.

Road Safety Services · No. 8:25CV229 · Decided February 17, 2026

SUMMARY

The United States District Court for the District of Nebraska grants in part and denies in part Plaintiff’s motion to extend the written discovery deadline. The Court leaves the February 5, 2026 written discovery deadline unchanged but extends the deadline for motions to compel written discovery to March 23, 2026, while leaving all other progression-order deadlines unchanged.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Jacqueline M. DeLuca
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	February 17, 2026
DOCKET	8:25CV229
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to extend the written discovery deadline in the court’s Rule 16 scheduling order. The court granted the motion in part and denied it in part, extending the deadline for motions to compel rather than extending the written discovery completion deadline.
STANDARD OF REVIEW	A Rule 16 scheduling order may be modified only for good cause. The court considers the movant’s diligence in attempting to meet the scheduling order’s requirements and may also consider the existence or degree of prejudice to the opposing party.
PRECEDENTIAL VALUE	unpublished

TOPICS

discovery dispute

civil procedure

motion to amend

PRACTICE AREAS

civil procedure

commercial litigation

discovery

QUESTIONS PRESENTED

1. Whether good cause existed under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order.
2. Whether the circumstances warranted extending the deadline for completing written discovery or instead warranted extending the deadline for filing motions to compel.

HOLDINGS

1. Good cause existed to modify the scheduling order by extending the deadline for filing motions to compel written discovery by thirty days.
2. The request to extend the written discovery completion deadline was denied because Plaintiff's stated need concerned resolving existing discovery disputes, and the proposed extension based on a pending motion to amend or hypothetical future discovery was premature.

KEY QUOTATIONS

“The Court agrees an extension is appropriate to allow Plaintiff time to meet and confer with Defendants regarding Defendants’ discovery responses prior to seeking a discovery dispute conference and, if appropriate, filing a motion to compel. This warrants an extension of the motion to compel deadline, not the written discovery deadline.”

“The Court may only modify a Rule 16 scheduling order “for good cause.””

FACTUAL BACKGROUND

The court's Final Progression Order required the parties to complete written discovery by February 5, 2026. Plaintiff had served written discovery and sought additional time to meet and confer with Defendants about disputes arising from Defendants' responses before requesting a discovery-dispute conference or filing a motion to compel. Plaintiff also cited a pending motion to amend the complaint and the possibility of serving additional discovery, but the court found those grounds premature.

PROCEDURAL HISTORY

The court had previously entered a Final Progression Order setting February 5, 2026, as the deadline for completing written discovery. Plaintiff timely moved for a sixty-day extension of that deadline, citing the need to meet and confer concerning Defendants' discovery responses, possible discovery disputes, and a pending motion to amend the complaint. Defendants opposed the requested extension but indicated that they did not oppose an extension of the motion-to-compel deadline. The court amended the scheduling order to extend the motion-to-compel deadline by thirty days while leaving the written discovery completion deadline unchanged.

DISPOSITION

other

CASES CITED

- Yang v. Robert Half Int'l, Inc., 79 F.4th 949, 960 (8th Cir. 2023)
- Hartis v. Chi. Title Ins. Co., 694 F.3d 935, 948 (8th Cir. 2012)
- Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 759 (8th Cir. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA ROAD SAFETY SERVICES, INC., Plaintiff, 8:25CV229 vs. MEMORANDUM AND ORDER SUN VALLEY MARKINGS, LLC, JOSHUA A. VERDONI, CHRIS BRANDT, BLAIR JONES, and XYZ CORPORATION, INC., Defendants. This matter is before the Court on Plaintiff's Motion to Extend the Written Discovery Deadline. Filing No. 150.

The Court may only modify a Rule 16 scheduling order "for good cause." Fed. R. Civ. Proc. 16(b) (4). To determine whether good cause exists, the Court considers "the movant's diligence in attempting to meet the order's requirements." Yang v. Robert Half Int'l, Inc., 79 F.4th 949, 960 (8th Cir. 2023), reh'g denied, No. 22-2592, 2023 WL 6313679 (8th Cir. Sept.

28, 2023) (quoting Hartis v. Chi. Title Ins. Co., 694 F.3d 935, 948 (8th Cir. 2012)). "A district court may also consider the existence or degree of prejudice to the party opposing the modification." Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 759 (8th Cir. 2006).

The Court set February 5, 2026 as the deadline for completing written discovery. Filing No. 79. Plaintiff timely moved to extend the written discovery deadline by sixty days. Filing No. 150. Defendants oppose Plaintiff's motion. Filing No. 152; Filing No. 154.

The Court is, frankly, confused by Plaintiff's motion. Plaintiff served written discovery. Plaintiff is requesting additional time to meet and confer with Defendants to resolve discovery disputes arising out of Defendants' responses.

In their response briefs, Defendants assert they are not opposed to extending the motion to compel deadline. In its reply, Plaintiff does not explain why it is seeking an extension of the written discovery deadline instead of an extension of the motion to compel deadline.

The Court agrees an extension is appropriate to allow Plaintiff time to meet and confer with Defendants regarding Defendants' discovery responses prior to seeking a discovery dispute conference and, if appropriate, filing a motion to compel. This warrants an extension of the motion to compel deadline, not the written discovery deadline.

The Court acknowledges Plaintiff filed a motion to amend the complaint to add new parties. Filing No. 134. However, a motion to extend the written discovery deadline on this basis is premature. If appropriate, Plaintiff may move to re-open the written discovery deadline to serve new discovery after the Court rules on Plaintiff's motion to amend. Similarly, Plaintiff theorizes it may

hypothetically want to serve additional written discovery after resolving the disputes pertaining to Defendants' discovery requests.

If this situation arises, Plaintiff may, at this time, move to re-open the written discovery deadline. Accordingly, IT IS ORDERED that Plaintiff's Motion to Extend the Written Discovery Deadline, Filing No. 150, is granted in part and denied in part. IT IS FURTHER ORDERED that the Court's Final Progression Order, Filing No. 79, is amended as follows: 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is February 5, 2026.

Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by March 23, 2026.1 Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute. 2) All other deadlines and provisions in the Court's Final Progression Order, Filing No. 79, not amended herein remain unchanged.

Dated this 17th day of February, 2026. BY THE COURT: s/ Jacqueline M. DeLuca United States Magistrate Judge 1 The Court extends the (unexpired) motion to compel deadline by thirty days. Plaintiff indicated it would be satisfied with a 30-day extension of the written discovery deadline but requested 60-days in its motion to account for briefing. Filing No. 150 at 2.

Defendant Joshua A. Verdoni is unopposed to a 30-day extension of the motion to compel deadline. Filing No. 154 at 2. The Sun Valley Defendants (Sun Valley Markings, LLC, Chris Brandt, and Blair Jones) are unopposed to a shorter, two-week extension of the motion to compel deadline. Filing No. 152 at 4. Considering the circumstances, a thirty-day extension is appropriate.