

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ernest Maea v. Lt. A. Martinez, et al.

No. 1:22-cv-00362-KES-HBK, United States District Court for the Eastern District of California (December 15, 2025)

SUMMARY

The United States District Court for the Eastern District of California granted in part the parties’ stipulated motion to modify case management and scheduling deadlines in this 42 U.S.C. § 1983 action. The court extended the expert discovery deadline to February 3, 2026, and the dispositive motion deadline to March 4, 2026, while declining to grant the requested extensions in full.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:22-cv-00362-KES-HBK
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the parties' stipulated eleventh motion to modify the Case Management and Scheduling Order by extending the expert-discovery and dispositive-motion deadlines.
STANDARD OF REVIEW	Under Federal Rules of Civil Procedure 6(b) and 16(b)(4), modification of a scheduling order requires good cause; good cause is evaluated primarily by considering the requesting party's diligence and ability to meet the existing deadlines.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.

TOPICS

- discovery dispute
- civil procedure
- summary judgment

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause under Federal Rules of Civil Procedure 6(b) and 16(b)(4) to modify the scheduling order.
2. Whether the asserted scheduling conflicts and expert-witness unavailability justified extending the expert-discovery and dispositive-motion deadlines.

HOLDINGS

1. Counsel's busy schedules, vacation plans, obligations in other cases, and inability to find a mutually agreeable deposition date did not establish good cause for another broad extension of the scheduling order.
2. The unavailability of expert witnesses for deposition constituted good cause to extend the expert-discovery deadline.
3. The court granted a 45-day extension for expert discovery but granted only a 30-day extension for dispositive motions.

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 filing of a joint request for an extension of time does not mandate an extension or excuse the parties from showing good cause for an extension to be granted.” (at 3)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding on a § 1983 First Amended Complaint. The parties had already received numerous extensions of the case-management deadlines and sought another 45-day extension because of expert-witness unavailability, upcoming holidays, counsel vacations, and counsel's obligations in other cases.

PROCEDURAL HISTORY

Plaintiff filed a First Amended Complaint under 42 U.S.C. § 1983. After entering a scheduling order on January 13, 2023, the court granted numerous prior requests to extend discovery and dispositive-motion deadlines. The parties then sought another 45-day extension, which the court granted only in part.

DISPOSITION

other

CASES CITED

- Hamilton Copper & Steel Corp. v. Primary Steel, Inc., 898 F.2d 1428, 1429 (9th Cir. 1990)
- Wong v. Regents of the Univ. of Cal., 410 F.3d 1052, 1060 (9th Cir. 2005)
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609-610 (9th Cir. 1992)

- Williams v. James River Grp. Inc., 627 F. Supp. 3d 1172, 1178 (D. Nev. 2022)
- Branch Banking & Trust Co. v. D.M.S.I., LLC, No. 2:11-cv-01778-APG-VCF, 2013 WL 3197663, at *1 n.1 (D. Nev. June 21, 2013), aff'd, 871 F.3d 751, 765 (9th Cir. 2017)
- King v. Biter, No. 1:15-cv-00414-NONE-SAB, 2020 WL 3173144, at *2 (E.D. Cal. June 15, 2020)
- Mondares v. Kaiser Foundation Hosp., No. 10-CV-2676-BTM (WVG), 2011 WL 5374613, at *2 (S.D. Cal. Nov. 7, 2011)
- In re Toy Asbestos Litig., No. 19-cv-00325-HSG, 2020 WL 8815916, at *16 (N.D. Cal. May 27, 2020)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ERNEST MAEA, Case No. 1:22-cv-00362-KES-HBK 12 Plaintiff, ORDER
GRANTING STIPULATED MOTION TO MODIFY CASE 13 v. MANAGEMENT AND
SCHEDULING ORDER DEADLINES TO A LIMITED 14 LT. A. MARTINEZ, et al., EXTENT
15 Defendants. (Doc. No. 94) 16 17 18 On December 9, 2025, the parties filed their eleventh
motion to further modify the Case 19 Management and Scheduling Order (“CMSO”) deadlines.

(Doc. No. 94). Therein, the parties 20 request a further 45-day extension of time to the current and
previously extended December 20, 21 2025, expert discovery deadline and current and previously
extended February 2, 2026, 22 dispositive motion deadline. (Id. at 2).

The parties submit they have been unable to find suitable 23 dates to conduct expert depositions
due to the upcoming holidays, counsels’ vacations, and 24 counsels’ obligations in other cases. (Id.
at 2 ¶¶ 24-28). As more fully discussed below, the 25 Court does not find the stated reasons qualify
as good cause to grant yet another extension of time 26 in this case.

Nonetheless, due to the expert witnesses unavailability, the Court will grant one final 27 extension
to the case management deadlines to the limited extent set forth herein. Fed. R. Civ. P. 28 16(b)(4).
1 BACKGROUND 2 Plaintiff, a state prisoner represented by counsel, proceeds on his First
Amended 3 Complaint filed pursuant to 42 U.S.C § 1983. (Doc. No. 8, “FAC”).

The Court issued Rule 16 4 Case Management and Scheduling Order (“CMSO”) on January 13,
2023. (Doc. No. 27). Since 5 that date, the parties have filed numerous motions to modify the
CMSO, which the Court has 6 granted. See Doc. No. 35 (April 17, 2023 order granting motion to
extend exhaustion-based 7 summary judgment deadline); Doc. No. 39 (July 14, 2023 order
granting second motion to extend 8 exhaustion-based summary judgment deadline); Doc.

No. 41 (August 2, 2023 granting third 9 motion to extend exhaustion-based summary judgment
deadlines); Doc. No. 45 (August 31, 2023 10 order granting motion to extend deadline for Plaintiff
to file opposition to Defendants’ 11 exhaustion-based motion for summary judgment); Doc. No. 51
(November 2, 2023 order granting 12 oral motion for second extension of time for Plaintiff to file
opposition to Defendant’s 13 exhaustion-based motion for summary judgment); Doc.

No. 55 (January 5, 2024 order granting 14 third motion for extension of time for Plaintiff to file opposition to Defendants' exhaustion-based 15 motion summary judgment); Doc. No. 60 (May 24, 2024 order granting joint motion to extend the 16 CMSO deadlines); Doc. No. 66 (December 19, 2024 order granting second motion to extend 17 nonexpert and expert discovery and dispositive motions deadlines); Doc.

No. 68 (May 5, 2025 18 order granting third extension to nonexpert, expert and dispositive motion deadlines); Doc. No. 19 81 (August 13, 2025 order granting fourth extension to nonexpert and expert discovery and 20 dispositive motions deadlines); and Doc. No. 93 (October 22, 2025 order granting extension to 21 damages related expert deadline only). 22 APPLICABLE LAW AND ANALYSIS 23 Courts have the inherent power to control their docket, and scheduling orders are 24 necessary for a court to effectively resolve cases.

Hamilton Copper & Steel Corp. v. Primary 25 Steel, Inc., 898 F.2d 1428, 1429 (9th Cir. 1990); Wong v. Regents of the Univ. of Cal., 410 F.3d 26 1052, 1060 (9th Cir. 2005); Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 610 (9th Cir. 27 1992) ("A scheduling order 'is not a frivolous piece of paper, idly entered, which can be 28 cavalierly disregarded by counsel without peril.' ") (citation omitted).

Fed. R. Civ. P. 6(b) 1 provides for extending deadlines for good cause shown, if the request to extend time is made 2 before the original time, or its extension expires; or, on a motion made after the time has expired, 3 if the party failed to act because of excusable neglect. Additionally, Fed. R. Civ. P. 16(b)(4) 4 permits a court to modify a scheduling order for good cause shown and with the judge's consent.

5 Further, in evaluating any extension, the court must consider the overarching policy of Rule 1, 6 which requires that the Rules "be construed to secure the just, speedy, and inexpensive 7 determination of every action and proceeding." Fed. R. Civ. P. 1. 8 Good cause considers a party's diligence in seeking an extension as well as the party's 9 ability—or inability—to reasonably meet the current deadlines.

Johnson v. Mammoth 10 Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The filing of a joint request for an extension 11 of time does not mandate an extension or excuse the parties from showing good cause for an 12 extension to be granted. Williams v. James River Grp. Inc., 627 F. Supp. 3d 1172, 1178 (D. Nev. 13 2022) (collecting cases). Rather, the Court must determine if there is good cause to grant yet 14 another extension to previous extended deadlines in the CMSO.

15 The court finds the parties have failed to show good cause that their busy schedules, 16 vacation plans, and obligations in other cases warrant a tenth joint extension to the CMSO. (See 17 Doc. No. 94). While the parties may be busy, counsels' busy schedule and inability to find a 18

“mutually agreeable time to take depositions” fail to present good cause to warrant an extension 19 to the scheduling order.

See, e.g., *Branch Banking & Trust Co. v. D.M.S.I., LLC*, No. 2:11-cv- 20 01778-APG-VCF, 2013 WL 3197663, at *1 n.1 (D. Nev. June 21, 2013) (finding the excuse that 21 parties and their counsel “were very busy... does not constitute ‘good cause’ pursuant to Fed. 22 R. Civ. P. 16”), *aff’d*, 871 F.3d 751, 765 (9th Cir. 2017). Further, given the most recent October 23 17, 2025, request for a modification to the CMSO—and the numerous extensions to the CMSO 24 that the parties have already been granted—counsel’s vacation plans were foreseeable when they 25 last requested an extension to the case scheduling order.

Because counsel’s conflicts were 26 foreseeable, they fail to show good cause to warrant extending the CMSO a tenth time. *King v. 27 Biter*, No. 1:15-cv-00414-NONE-SAB, 2020 WL 3173144, at *2 (E.D. Cal. June 15, 2020) 28 (stating counsel’s vacation plans were foreseeable at the first request for an extension of time and 1 | contradicts a claim of due diligence”) (citing *Mondares v. Kaiser Foundation Hosp.*, No. 10-CV- 2 | 2676-BTM (WVG), 2011 WL 5374613, at *2 (S.D.

Cal. Nov. 7, 2011) (“other trials and a busy 3 | schedule do nothing to advance Plaintiff’s burden to show she was diligent in this case”) 4 | (emphasis in original)). 5 The deadlines to complete expert discovery and file dispositive motions have already been 6 | extended multiple times since the original CMSO was entered.

However, to the extent the 7 | parties’ experts are unavailable to be deposed before the expiration of the current deadline, the 8 | unavailability of experts does present good cause to warrant modifying the CMSO. *In re Toy 9 | Asbestos Litig.*, No. 19-cv-00325-HSG, 2020 WL 8815916, at *16 (N.D. Cal. May 27, 2020) 10 | (finding that an expert’s unavailability during expert discovery was good cause to extend the 11 | deadlines for depositions).

Given the need to complete expert discovery, the Court will grant a 12 | forty-five (45) day extension to the expert discovery deadline in order that the parties may depose 13 | the designated experts. However, the Court will grant only a thirty (30) days extension to the 14 | current dispositive motion deadline. 15 Accordingly, it is ORDERED: 16 1.

The parties’ stipulated motion to extend certain case management and scheduling 17 deadlines (Doc. No. 94) is GRANTED to the limited extent set forth herein. 18 2. The following modified dates shall govern the management of this action. 19 3.

The expert discovery deadline is extended to February 3, 2026. 20 4. The dispositive motion deadline is extended to March 4, 2026. 21 5. The procedures set forth in the January 13, 2023 Case Management and Scheduling 22 Order (Doc. No. 27) otherwise will continue to govern this

action. 23 24 Dated: _ December 15, 2025 law ZA. foareh Back 5 HELENA M. BARCH-
KUCHTA UNITED STATES MAGISTRATE JUDGE 27 28

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