

**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)

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**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—counsels' vacation plans were foreseeable when they 25 last requested an extension to the case scheduling order.

Because counsels' 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. *Jn 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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