

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Mark Hendrickson, et al. v. Wal-Mart Associates, Inc., et al.

Hendrickson · No. 23-cv-00110-AJB-BJW · Decided January 8, 2026

OPINION

Hendrickson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MARK HENDRICKSON, et al., Case No.: 23-cv-00110-AJB-BJW 12 Plaintiffs,

ORDER DENYING JOINT MOTION

13 v. TO AMEND SCHEDULING ORDER

TO ACCOMMODATE MEDIATION

14 WAL-MART ASSOCIATES, INC., et al.,

ON FEBRUARY 12, 2026

15 Defendants. (Doc. No. 82) 16 17 18 Before the Court is the Joint Motion to Amend Scheduling
Order to Accommodate 19 Mediation on February 12, 2026. (Doc. No. 82.) The parties seek an
approximately 60-day 20 continuance of all remaining dates and deadlines from the Court’s
February 10, 2025 21 Scheduling Order Regulating Discovery and Other Pre-Trial Proceedings
(Doc. No. 53). 22 (Doc. No. 82 at 4–5.) In support of the joint motion, the parties state: 23
Immediately upon completion of their written discovery, deposition efforts, and the closing of the
factual record in this matter on December 17, 2025, the 24 Parties engaged in substantive
settlement discussions. To that end, the Parties 25 have agreed to mediate and have reserved the
first-available date with mediator Kevin T. Barnes of February 12, 2026. 26 27 (Id. at 3.) This is
the parties’ eighth request to continue discovery- and/or pre-trial-related 28 deadlines. (Doc. Nos.
58; 60; 65; 67; 71; 74; 77; 80.) 1 “A schedule may be modified only for good cause and with the
judge’s consent.” 2 Fed. R. Civ. P. 16(b). “Rule 16(b)’s ‘good cause’ standard primarily considers
the diligence 3 of the party seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975
F.2d 4 604, 609 (9th Cir. 1992). “The district court may modify the pretrial schedule ‘if it cannot 5
reasonably be met despite the diligence of the party seeking the extension.’” *Id.* (quoting 6 Fed. R.
Civ. P. 16 advisory committee’s note to 1983 amendment). “If the party seeking 7 the modification
‘was not diligent, the inquiry should end’ and the motion to modify should 8 not be granted.”
Zivkovic v. S. Cal. Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) 9 (quoting *Johnson*, 975 F.2d
at 609). 10 Following the parties’ December 12, 2025 Joint Motion to Continue Deadline to 11

Disclose Identity of Experts (Doc. No. 80), Magistrate Judge Brian J. White held a status 12 conference with the parties “to discuss various deadlines in the case, namely the 13 Dispositive and Class Certification Motion Deadlines currently set for February 5, 2026 14 and February 6, 2026, respectively.” (Doc. No. 81.) The Court additionally stated “[n]o 15 further discovery or expert related extensions will be granted absent extraordinary 16 circumstances.” (Id.) 17 Such circumstances are not present here. It appears that the parties waited until after 18 “completion of their written discovery, deposition efforts, and the closing of the factual 19 record in this matter on December 17, 2025,” to “engage[] in substantive settlement 20 discussions.” (Doc. No. 82 at 3.) Nothing prevented the parties from initiating substantive 21 settlement discussions before December 17, 2025. Indeed, the parties had an early neutral 22 evaluation conference before Magistrate Judge Michael S. Berg on January 31, 2025. (Doc. 23 No. 52.) This apparent delay presumably contributed to a “first-available date with 24 mediator Kevin T. Barnes” (Doc. No. 82 at 3) that falls after the parties’ February 5, 2026 25 dispositive motion deadline. The parties have known of this pending deadline since 26 February 10, 2025, and were reminded of it on December 15, 2025. (Doc. Nos. 53; 81.) 27 Based on these facts, the Court concludes that good cause is not present to amend 28 the February 10, 2025 Scheduling Order to continue all remaining deadlines by 60 days. 1 || “A scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly 2 || disregarded by counsel without peril.” Johnson, 975 F.2d at 610. 3 Insofar as the parties have now “agreed to mediate” (Doc. No. 82 at 3), the Court 4 ||notes that the parties may engage in such settlement proceedings before Magistrate Judge 5 White. The parties may contact Magistrate Judge White’s chambers to schedule a 6 || mediation session. 7 Accordingly, the Joint Motion to Amend Scheduling Order to Accommodate 8 || Mediation on February 12, 2026, is DENIED. (Doc. No. 82.) The pending deadlines of the 9 ||February 10, 2025 Scheduling Order (Doc. No. 53) remain in full effect. No further 10 || continuances will be granted absent extraordinary circumstances. 11 IT IS SO ORDERED. 12 Dated: January 8, 2026 14 United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28