

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Parker v. N. West

Parker · No. 2:22-cv-2015 CSK P · Decided April 21, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the defendant’s third motion to modify the discovery and scheduling orders. The court finds good cause based on continued difficulties scheduling the deposition of incarcerated witness Durrell Puckett and extends the deadline for the deposition and any related motion to compel through May 28, 2025; no other deadlines are affected.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
DECIDED	April 21, 2025
DOCKET	2:22-cv-2015 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for a third modification of the discovery and scheduling order to allow additional time to depose an incarcerated witness. The district court granted the motion.
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase of litigation and may modify a scheduling order for good cause under Federal Rule of Civil Procedure 16(b)(4).
PRECEDENTIAL VALUE	Unknown; district court scheduling order

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether defendant demonstrated good cause and diligence sufficient to justify a third modification of the discovery and scheduling order under Federal Rule of Civil Procedure 16(b)(4).

HOLDINGS

1. A scheduling order may be modified when the party seeking the extension has diligently attempted to comply and the schedule cannot reasonably be met despite that diligence; defendant established good cause for a further extension.

KEY QUOTATIONS

“The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” (1)

FACTUAL BACKGROUND

Defendant had difficulty scheduling the deposition of inmate witness Durrell Puckett because the deposition required coordinating inmates at different prisons and Puckett was frequently transferred. The court found that defendant had diligently attempted to schedule the deposition and had shown good cause for another extension.

PROCEDURAL HISTORY

The court had previously modified the initial discovery and scheduling order twice. Discovery was reopened for the limited purpose of deposing inmate witness Durrell Puckett, and the pretrial motions deadline was stayed; defendant then sought a further extension because of continuing difficulty scheduling the deposition.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)
- Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)