

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Bright People Foods dba Dr. McDougall's Right Foods v. Alliance
Sales & Marketing MW, Inc. and Does 1 to 20**

Bright People Foods · No. 2:24-cv-00060 WBS AC · Decided December 9, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 ----oo0oo---- 11 12 BRIGHT PEOPLE FOODS DBA DR. No. 2:24-cv-00060
WBS AC 13 MCDUGALL'S RIGHT FOODS, 14 Plaintiff, ORDER RE: MODIFICATION OF
15 vs. SCHEDULING ORDER 16 ALLIANCE SALES & MARKETING MW, INC., and DOES
1 TO 20, 17 Defendants. 18 R & M INNOVATIONS LLC, 19 Plaintiff, 20 vs. 21 ALLIANCE
SALES & MARKETING MW, 22 INC., and DOES 1 TO 20, 23 Defendants.

24 ----oo0oo---- 25 Before the court is defendants' motion to modify the 26 Scheduling Order.
(Docket No. 38.) Federal Rule of Civil 27 Procedure 16(b)(4) allows the court to modify its
scheduling 28 1 order for good cause.

The "good cause" standard focuses 2 primarily on the diligence of the party seeking the
amendment. 3 Johnson v. Mammoth Recreations, Inc., 975 F.3d 604, 609 (9th Cir. 4 1992).
"Although the existence or degree of prejudice to the 5 party opposing the modification might
supply additional reasons 6 to deny a motion, the focus of the inquiry is upon the moving 7 party's
reasons for seeking modification." Id. 8 Defendants' counsel requests extensions of various 9
dates in the Scheduling Order (Docket No. 16) on the grounds that 10 plaintiff's counsel has
refused to provide availability for 11 outstanding depositions.

(See Docket No. 38 at 2-5.) 12 Plaintiff's counsel opposes these modifications to the Scheduling
13 Order because they were unavailable to conduct depositions on the 14 dates defendants'
counsel requested to conduct them. (See Docket 15 No. 42 at 2-3.) 16 Defendants appear to have
been sufficiently diligent to 17 support a finding of good cause to modify the current Scheduling
18 Order.

Accordingly, the Scheduling Order is modified in the 19 following manner: 20 1. Section IV of
the Scheduling Order is modified in the 21 following manner: 22 a. The parties shall disclose
experts and produce 23 reports in accordance with Federal Rule of Civil Procedure 24 26(a)(2) no
later than December 19, 2025. 25 b. With regard to expert testimony intended solely 26 for
purposes of rebuttal, those experts shall be disclosed and 27 reports produced in accordance with

Federal Rule of Civil Procedure 26(a) (2) on or before January 29, 2026.

Cc. All discovery, including depositions for preservation of testimony, is left open, save and except that it shall be conducted as to be completed by February 26, 2026. All motions to compel discovery must be noticed on the magistrate judge's calendar in accordance with the local rules of this Court and so that such motions may be heard (and any resulting orders obeyed) not later than February 26, 2026.

2. Section V of the Scheduling Order is modified in the following manner: a. All motions, except motions in limine, motions for continuances, temporary restraining orders, or other emergency applications shall be filed on or before March 12, 2026. 3. Section VI of the Scheduling Order is modified in the following manner: a. The Final Pretrial Conference is set for May 18, 2026 at 1:30 p.m.

4. Section VII of the Scheduling Order is modified in the following manner: a. The jury trial is set for September 1, 2026 at 9:00 a.m. 5. All other matters discussed in the May 29, 2024 Scheduling Order shall remain unchanged. IT IS SO ORDERED. Dated: December 8, 2025. s/ WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE