

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION AT LEXINGTON

Samuel Holmes v. Lexington-CJD, LLC d/b/a Freedom CDJR of
Lexington

Holmes · No. 5:23-CV-249-KKC · Decided February 24, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants Samuel Holmes’ motion to extend the dispositive-motion deadline and deems his motion for summary judgment filed. The court finds good cause under Federal Rule of Civil Procedure 16(b)(4), sets aside the existing pretrial and trial dates, and directs that new deadlines will be established if necessary.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division at Lexington
WRITING FOR THE COURT	Karen K. Caldwell
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division at Lexington
DECIDED	February 24, 2026
DOCKET	5:23-CV-249-KKC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 16(b)(4) to extend the dispositive-motion deadline and to file his own motion for summary judgment after the court had granted the defendant partial summary judgment and denied reconsideration.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 16(b)(4), a scheduling order may be modified only for good cause and with the judge's consent. The primary considerations are the moving party's diligence in attempting to meet the established deadlines and whether the opposing party will suffer prejudice.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Samuel Holmes v. Lexington-CJD, LLC d/b/a Freedom CDJR of Lexington

TOPICS

summary judgment

civil procedure

commercial litigation

contracts

PRACTICE AREAS

civil procedure

commercial litigation

contracts

QUESTIONS PRESENTED

1. Whether the plaintiff demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the dispositive-motion deadline.
2. Whether the plaintiff's proposed motion for summary judgment should be deemed filed and the existing pretrial and trial deadlines set aside.

HOLDINGS

1. The plaintiff sufficiently demonstrated good cause to extend the dispositive-motion deadline because the circumstances supporting his proposed motion arose after the court's partial-summary-judgment ruling and denial of reconsideration, and the defendant would not suffer undue prejudice.

KEY QUOTATIONS

“A schedule may be modified only for good cause and with the judge's consent.”

FACTUAL BACKGROUND

The plaintiff's amended complaint asserted twelve counts. After the court granted the defendant partial summary judgment and denied reconsideration, the plaintiff sought permission to file his own motion for summary judgment after the existing dispositive-motion deadline.

PROCEDURAL HISTORY

The court had previously granted in part the defendant's motion for summary judgment and denied the plaintiff's motion for reconsideration on January 22, 2026. Holmes then moved to extend the dispositive-motion deadline and requested that his proposed summary-judgment motion be deemed filed. The court granted the motion, deemed the summary-judgment motion filed, and set aside the existing pretrial and trial deadlines pending further scheduling.

DISPOSITION

other

CASES CITED

- Inge v. Rock Fin. Corp., 281 F.3d 613, 625 (6th Cir. 2002)
- Leary v. Daeschner, 349 F.3d 888, 906 (6th Cir. 2003)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION AT LEXINGTON SAMUEL HOLMES CASE NO. 5:23-CV-249-KKC Plaintiff, v. OPINION AND ORDER LEXINGTON-CJD, LLC d/b/a/ FREEDOM CDJR OF LEXINGTON Defendant. *** ** This matter is before the Court on Plaintiff Samuel Holmes' motion to extend the Court's dispositive motion deadline (R. 96).

Holmes requests modification of the Scheduling Order so that he may file his own motion for summary judgment. The Defendant has not filed a response and the deadline for doing so has expired. See LR 7.1.(b). A schedule may be modified only for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4).

The primary considerations for whether a court should grant a motion under Rule 16(b)(4) is (1) the moving party's diligence in attempting to meet the established deadlines and (2) whether the opposing party will suffer prejudice. See *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002); *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003). Holmes' argument for meeting Rule 16's good cause standard is straightforward: 1.

The circumstances impelling the determination to bring the MSJ did not exist until January 22, 2026, when the court denied Plaintiff's Motion for Reconsideration of the court's Order granting, in part, Defendant's Motion for Summary Judgment 2.

As long as Plaintiff's counsel had the prospect of trying the entire case together to the jury, that was the best strategy, and hope, for a significant verdict populated by consistent findings. 4. Prior to the court's ruling granting partial summary judgment and declining to change that ruling after reconsideration, the landscape of this litigation was entirely different.

Plaintiff's Amended Complaint pleaded twelve counts, many of which might have justified a jury verdict for punitive damages. Those claims, on the one hand, posed the major threat of a quite sizable recovery and therefore provided a possible impetus for settlement.

On the other hand, it made little sense to seek summary judgment on the two contract counts while leaving most of the case for trial. Had Plaintiff won that motion, it still would have had ten counts to try to the jury. (R. 96 at 6-7.) Additionally, Holmes argues that Freedom will not suffer prejudice because the motion is very straightforward and easy to brief.

Ud. at 7.) Having considered Holmes' motion, the Court finds that Holmes has sufficiently demonstrated good cause for extending the previous dispositive motion deadline. Accordingly, the Court hereby ORDERS as follows: 1. Holmes' R. 96 motion is GRANTED. 2. Holmes' Motion for Summary Judgment (R. 96-1) is DEEMED FILED with the entry of this Order.

The response and reply deadlines set by LR 7.1 take effect as of this date. 3. The pretrial deadlines, PRETRIAL CONFERENCE and JURY TRIAL are SET ASIDE. A new trial date and scheduling deadlines SHALL be set by subsequent order, pending the Court's resolution of Holmes' Motion for Summary Judgment, if necessary. This 24 day of February, 2026. LO Signed By: Bag iy: Karen K. Caldwell AKC "xe + United States District Judge

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