

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Cobian v. BET Information Systems, Inc.

Cobian · No. 3:25-cv-01999-GPC-AHG · Decided August 26, 2025

SUMMARY

The United States District Court for the Southern District of California denied the parties’ joint motion to continue the Early Neutral Evaluation and Case Management Conference by 90 days. The court found no good cause because the parties provided insufficient detail concerning the anticipated arbitration motion and discovery and failed to submit the required counsel declaration, while modifying certain conference attendance and filing requirements.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Allison H. Goddard
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 26, 2025
DOCKET	3:25-cv-01999-GPC-AHG
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to continue an early neutral evaluation conference and case management conference because the defendant planned to move to compel arbitration and the plaintiff anticipated seeking arbitration-related discovery.
STANDARD OF REVIEW	The court applied a good-cause standard and exercised broad discretion in determining whether the requested continuance was justified. The inquiry focused on the diligence of the parties seeking modification and their reasons for needing additional time.
PRECEDENTIAL VALUE	unpublished

TOPICS

- arbitration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause to continue the scheduled early neutral evaluation and case management conference.
2. Whether the court should modify the conference schedule and related participation and filing requirements despite denying the requested continuance.

HOLDINGS

1. The parties did not demonstrate good cause for a 90-day continuance because their motion lacked sufficient detail regarding the anticipated motion to compel arbitration, the proposed discovery, the timing of those matters, and the steps taken to comply with existing deadlines.
2. The court denied the requested continuance but retained the ENE on September 3, 2025, excused named parties and certain representatives from attending, continued the joint case management statement deadline to August 28, 2025, and left the remaining conference procedures and deadlines in place.

KEY QUOTATIONS

“The good cause standard focuses on the diligence of the party seeking to amend the scheduling order and the reasons for seeking modification.” (Opinion at 1)

“Upon due consideration, the Court does not find good cause for a continuance. Therefore, the Court DENIES the parties’ joint motion.” (Opinion at 2)

FACTUAL BACKGROUND

The parties requested a 90-day continuance of the scheduled ENE and CMC while the defendant prepared a motion to compel arbitration and the plaintiff considered arbitration-related discovery. They provided few details concerning the anticipated motion, the scope or timing of discovery, or compliance with the court's requirement that a continuance motion include a counsel declaration.

PROCEDURAL HISTORY

The court had previously scheduled the ENE and CMC for September 3, 2025. The parties sought a roughly 90-day continuance, but the court denied the motion for failure to demonstrate good cause and modified certain conference-related deadlines and attendance requirements instead.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607, 609 (9th Cir. 1992)

- *Liguori v. Hansen*, No. 2:11cv492-GMN-CWH, 2012 WL 760747, at *12 (D. Nev. Mar. 6, 2012)
- *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010)
- *Merck v. Swift Transp. Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at *2 (D. Ariz. Sept. 19, 2018)

OPINION

1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 SOUTHERN DISTRICT OF
CALIFORNIA 11 12 ABRAHAM COBIAN, on behalf of Case No.: 3:25-cv-01999-GPC-AHG
himself and all others similarly situated, 13 ORDER DENYING JOINT MOTION Plaintiff, TO
CONTINUE EARLY NEUTRAL 14 EVALUATION CONFERENCE AND v. 15 CASE
MANAGEMENT BET INFORMATION SYSTEMS, INC., CONFERENCE 16 Defendant.

17 [ECF No. 7] 18 19 Before the Court is the parties’ Joint Motion to Continue the Early Neutral
20 Evaluation (“ENE”) and Case Management Conference (“CMC”) currently set for 21
September 3, 2025. ECF No. 7. 22 Parties seeking to continue an ENE must demonstrate good
cause. *Chmb.R.* at 2 23 (stating that any request for continuance requires “[a] showing of good
cause for the 24 request”); ECF No. 6 at 6–7 (same); see *FED.*

R. CIV. P. 6(b) (“When an act may or must 25 be done within a specified time, the court may, for
good cause, extend the time”). Courts 26 have broad discretion in determining whether there is
good cause. See, e.g., *Johnson v. 27 Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir.
1992); *Liguori v. Hansen*, No. 28 2:11cv492-GMN-CWH, 2012 WL 760747, at *12 (D.

Nev. Mar. 6, 2012). “Good cause” 1 is a non-rigorous standard that has been construed broadly
across procedural and statutory 2 contexts. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,
1259 (9th Cir. 2010). The 3 good cause standard focuses on the diligence of the party seeking to
amend the scheduling 4 order and the reasons for seeking modification. *Johnson*, 975 F.2d at 609
 (“[T]he focus of 5 the inquiry is upon the moving party’s reasons for seeking modification....

If that party was 6 not diligent, the inquiry should end.”) (internal citation omitted). Therefore, “a
party 7 demonstrates good cause by acting diligently to meet the original deadlines set forth by the
8 court.” *Merck v. Swift Transp. Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at 9 *2
(D. Ariz. Sept. 19, 2018). 10 Here, the parties seek a 90-day continuance of the ENE and CMC.

ECF No. 7. They 11 explain that Defendant plans to file a motion to compel arbitration, which
Plaintiff intends 12 to oppose. *Id.* at 2. Plaintiff also contends that he will need to conduct
arbitration-related 13 discovery, and the parties are presently discussing the scope. *Id.* They
explain that “a brief1 14 continuance” of approximately 90 days will “conserve judicial resources
while the Parties 15 work through the issues related to enforcement of the arbitration agreement
and potential 16 discovery related thereto.” *Id.* at 3.

However, the parties do not expand further. For example, the parties do not propose a date certain that Defendant intends to file its motion to compel arbitration. Defendant does not represent that the motion has been drafted at this time or the status thereof. Plaintiff does not represent that he has determined precisely what discovery is sought, or suggest a deadline for any informal production.

The Court also notes that the parties failed to provide a declaration from counsel, as required by the Court's Chambers Rules and the Court's Order setting the conferences. Chmb.R. at 2 (requiring that the joint motion for continuance include a "declaration from counsel seeking the continuance that describes the steps taken to comply with the existing deadlines, and the Court notes that a 90-day continuance of an ENE is not "brief." Local Rule 16.1(c) requires that an ENE take place within forty-five days of the filing of the first answer.

If a specific reasons why the deadlines cannot be met"); ECF No. 6 at 7 (same). Aside from being required, a declaration would have been helpful to the Court in resolving the many omissions noted above. Upon due consideration, the Court does not find good cause for a continuance. Therefore, the Court DENIES the parties' joint motion.

ECF No. 7. The Court finds that "informal discussion between the attorneys and the settlement judge of every aspect of the lawsuit in an effort to achieve an early resolution of the case," (ECF No. 6 at 1-2), would be beneficial to the parties at this time.

The Court also finds that its assistance regarding arbitration-related discovery will be beneficial to the parties and will keep the case on track. The Court will, however, modify the conferences as follows:

The ENE set for September 3, 2025 at 3:30 p.m. via videoconference before the Honorable Allison H. Goddard remains on calendar. The Court notes to the parties that this conference was only planned to last approximately one hour. 2. Named parties, party representatives, and claims adjusters for insured defendants are EXCUSED from attending the ENE.

The primary attorney(s) responsible for the litigation are still required to attend. 3. The deadline for filing the Joint Case Management Statement is slightly continued to August 28, 2025. See ECF No. 6 at 3.

The deadlines for emailing to efile_goddard@casd.uscourts.gov (not filed) the Confidential ENE Statements and Participant Lists remain on August 28, 2025. See ECF No. 6 at 2—3, 5-6. 5. All other videoconference procedures and requirements set forth in the Court's original Order setting the ENE and CMC remain in place. See ECF No. 6 at 3-6.

IT IS SO ORDERED. Dated: August 26, 2025
Siow. Xion Honorable Allison H. Goddard
United States Magistrate Judge

