

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jermaine Whitfield v. Levi Strauss & Co.

No. 2:25-cv-01205-CDS-NJK, United States District Court for the District of Nevada (January 15, 2026)

SUMMARY

The United States District Court for the District of Nevada denied without prejudice the parties’ stipulation to extend the deadline for disclosing initial expert witnesses. The court held that the parties had not shown the diligence and good cause required to modify the scheduling order and noted that the proposed extension would place the initial expert deadline after the rebuttal expert deadline.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. Koppe
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 15, 2026
DOCKET	2:25-cv-01205-CDS-NJK
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly stipulated to extend the deadline for disclosing initial expert witnesses under the scheduling order.
STANDARD OF REVIEW	A request to modify an unexpired scheduling-order deadline is governed by the good-cause standard under Federal Rule of Civil Procedure 16(b)(4) and Local Rule 26-3. Good cause depends on whether the deadline could not reasonably be met despite the exercise of diligence.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jermaine Whitfield v. Levi Strauss & Co.

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause and diligence sufficient to modify an unexpired scheduling-order deadline for initial expert disclosures.
2. Whether the joint nature of the stipulation excused the parties from making the required showing for relief from the scheduling order.
3. Whether the parties could effectively stay discovery without a court order.

HOLDINGS

1. The parties failed to show the diligence required for good cause under Rule 16(b)(4) and Local Rule 26-3, so the court denied the requested extension without prejudice.
2. A joint stipulation to extend a scheduling-order deadline neither mandates the extension nor relieves the parties of the obligation to demonstrate good cause and diligence.
3. The parties could not self-impose a stay of discovery in the matter.

KEY QUOTATIONS

“The showing of diligence is measured by the conduct displayed throughout the entire period of time already allowed.” (at 2)

“That a request is made jointly neither mandates allowance of the extension sought nor exempts parties from making the necessary showings to justify that relief.” (at 3)

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending” (at 3)

FACTUAL BACKGROUND

The parties had completed no affirmative discovery. They jointly sought to extend the deadline for initial expert disclosures, but the proposed extension would place the initial expert deadline after the rebuttal expert deadline. The court also determined that the parties could not self-impose a stay of discovery.

PROCEDURAL HISTORY

The parties filed a stipulation seeking to extend an unexpired scheduling-order deadline for initial expert disclosures. The court denied the stipulation without prejudice because the parties failed to show diligence, had not conducted affirmative discovery, appeared to have self-imposed a discovery stay, and proposed an expert schedule under which the initial expert deadline would fall after the rebuttal expert deadline.

DISPOSITION

other

CASES CITED

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

- *Morgal v. Maricopa Cnty. Bd. of Supervisors*, 284 F.R.D. 452, 460 (D. Ariz. 2012)
- *Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177-78 (D. Nev. 2022)
- *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 608 (E.D. Cal. 1999)
- *Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012)
- *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011)
- *Desio v. State Farm Mut. Auto. Ins. Co.*, 339 F.R.D. 632, 641 (D. Nev. 2021)
- *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 6 Jermaine Whitfield,
Case No. 2:25-cv-01205-CDS-NJK 7 Plaintiff, Order 8 v. [Docket No. 33] 9 Levi Strauss & Co.,
10 Defendant. 11 Pending before the Court is the parties' stipulation to extend the deadline to
disclose initial 12 expert witnesses. Docket No. 33. 13 A request to extend unexpired deadlines in
the scheduling order must be premised on a 14 showing of good cause.

Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns 15 on whether the subject
deadlines cannot reasonably be met despite the exercise of diligence. 16 *Johnson v. Mammoth
Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). "The diligence 17 obligation is ongoing."
Morgal v. Maricopa Cnty. Bd. of Supervisors, 284 F.R.D. 452, 460 (D. 18 Ariz. 2012). "The
showing of diligence is measured by the conduct displayed throughout the entire 19 period of time
already allowed." *Williams v. James River Grp.*

Inc., 627 F. Supp. 3d 1172, 1177 20 (D. Nev. 2022). The Court considers whether relief from the
scheduling order is sought based on 21 the development of matters that could not have been
reasonably anticipated at the time the schedule 22 was established. *Jackson v. Laureate, Inc.*, 186
F.R.D. 605, 608 (E.D. Cal. 1999). Courts may 23 also consider other pertinent circumstances,
including whether the movant was diligent in seeking 24 modification of the scheduling order
once it became apparent that the movant required relief from 25 the deadline at issue.

Sharp v. Covenant Care LLC, 288 F.R.D. 465, 467 (S.D. Cal. 2012). 26 "[C]arelessness is not
compatible with a finding of diligence and offers no reason for a grant of 27 relief." *Johnson*, 975
F.2d at 609. When diligence has not been shown in support of an extension 28 request, "the
inquiry should end." *Jd.*'

Although the Court may consider the joint nature of a stipulation to extend, "[t]hat a request is
made jointly neither mandates allowance of the extension 3], sought nor exempts parties from
making the necessary showings to justify that relief." *Williams*, 627 F. Supp. 3d at 1178. 5 The
parties have completed no affirmative discovery to date; therefore, the parties have not 6|| made a
sufficient showing of diligence.

See *id.* at 1 (“Parties have made initial disclosures and are 7|| awaiting the Court’s decision on Plaintiff’s Motion to Transfer Case”). Further, the parties cannot 8|| self-impose a stay of discovery in this matter. See also *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 9] 597, 601 (D. Nev. 2011) (“The Federal Rules of Civil Procedure do not provide for automatic or 10] blanket stays of discovery when a potentially dispositive motion is pending”).

Finally, the parties’ 11] request would make the initial expert deadline occur after the rebuttal expert deadline, which 12] makes no sense. 13 Accordingly, the instant stipulation is DENIED without prejudice. Docket No. 33. 14 IT IS SO ORDERED. 15 Dated: January 15, 2026 at hen Nancy J. Kopjpe * 17 United States Magistrate Judge 19 20 21 22 23 24 25 26) ———— ‘ The Ninth Circuit has emphasized the importance of scheduling orders, see *Desio v. State 27| Farm Mut.*

Auto. Ins. Co., 339 F.R.D. 632, 641 (D. Nev. 2011) (collecting cases), and has stated bluntly that Rule 16 scheduling orders must “be taken seriously,” *Janicki Logging Co. v. Mateer*, 28} 42 F.3d 561, 566 (9th Cir. 1994).