

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)

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).