

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Harville v. 7-Eleven, Inc.

No. 3:25-cv-01265-TWR-MSB (S.D. Cal. Aug. 26, 2025) · No. 3:25-cv-01265-TWR-MSB · Decided August 26, 2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to continue deadlines concerning a forthcoming petition for approval of minors’ compromise. The Court ordered the petition to be filed by September 29, 2025, required submission of guardian ad litem documentation, and set a September 22, 2025 deadline for any consent to limited magistrate judge jurisdiction.

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-01265-TWR-MSB
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiffs and defendants jointly moved to continue deadlines related to a forthcoming petition for approval of a minors' compromise.
STANDARD OF REVIEW	Good cause is required to extend a deadline under Federal Rule of Civil Procedure 6(b), and the inquiry focuses on the diligence of the party seeking the extension and the reasons for modification.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Sharron Harville, A.C., a minor, by and through her guardian ad litem Dametrious Harville, A.P., a minor, by and through his guardian ad litem Dametrious Harville v. 7-Eleven, Inc., et al.

TOPICS

- guardianship procedure
- guardianships
- civil procedure

PRACTICE AREAS

civil procedure

guardianship procedure

guardianships

settlement approval

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause to extend the deadlines for filing a petition for approval of the minors' compromise.
2. What filing requirements and deadlines should govern the proposed minors' compromise petition.
3. Whether the parties were required to address appointment of guardians ad litem and potential consent to magistrate judge jurisdiction.

HOLDINGS

1. The parties demonstrated good cause for a deadline extension because they were working diligently to finalize settlement details and prepare complete and accurate petitions.
2. The petition for approval of the minors' compromise must be filed by September 29, 2025, and must address the compromised claims, settlement terms and agreement, petitioner information, the parties' positions regarding fairness and the minors' best interests, and other information useful to the court's review.
3. A motion for appointment of a guardian ad litem, or a copy of any state-court order appointing a guardian ad litem, must be filed with the minors' compromise petition if no appointment is otherwise reflected on the docket.

KEY QUOTATIONS

"Good cause" is a non-rigorous standard that has been construed broadly across procedural and statutory contexts." (at 1)

"[T]he focus of the inquiry is upon the moving party's reasons for seeking modification. ... If that party was not diligent, the inquiry should end." (at 1)

FACTUAL BACKGROUND

The parties were preparing a petition for approval of a settlement involving minor plaintiffs. They represented that they were diligently preparing the necessary documents but needed additional time to finalize settlement details and the structure of the payout to the minors. The court also found no indication on its docket that guardians ad litem had been appointed for the minor plaintiffs.

PROCEDURAL HISTORY

The action was pending in the Southern District of California. The parties sought approximately 30 additional days to finalize settlement details and the structure of the minors' settlement payments before filing a petition for approval. The court granted the joint motion and established deadlines and filing requirements for the petition, any guardian ad litem appointment motion or state-court appointment order, and any consent to magistrate judge jurisdiction.

DISPOSITION

other

CASES CITED

- Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010)
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)
- 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 SHARRON HARVILLE; Case No.: 3:25-cv-01265-TWR-MSB A.C., a
minor, by and through her guardian 13 ORDER GRANTING JOINT ad litem DAMETRIOUS
ARVILLE; and MOTION TO CONTINUE 14 A.P., a minor, by and through his guardian
DEADLINES REGARDING ad litem DAMETRIOUS HARVILLE, 15 PETITION FOR
APPROVAL OF Plaintiffs, MINORS' COMPROMISE 16 v. 17 [ECF No. 13] 7-ELEVEN, INC.,
et al., 18 Defendants.

19 20 21 Before the Court is the parties' joint motion to continue the deadlines related to their 22
forthcoming petition for minors' compromise. ECF No. 13. The parties seek an order from 23 the
Court extending the deadlines by approximately 30 days. Id. 24 Parties seeking to continue
deadlines must demonstrate good cause. FED. R. CIV. P. 25 6(b) ("When an act may or must be
done within a specified time, the court may, for good 26 cause, extend the time"); Chmb.R. at 2
(stating that any request for continuance requires 27 "[a] showing of good cause for the request").
"Good cause" is a non-rigorous standard that 28 has been construed broadly across procedural and
statutory contexts.

Ahanchian v. Xenon 1 Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause
standard focuses on 2 the diligence of the party seeking to amend the scheduling order and the
reasons for seeking 3 modification. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th
Cir. 1992) 4 ("[T]he focus of the inquiry is upon the moving party's reasons for seeking
modification.

5 ... If that party was not diligent, the inquiry should end.") (internal citation omitted). 6
Therefore, "a party demonstrates good cause by acting diligently to meet the original 7 deadlines
set forth by the court." Merck v. Swift Transp. Co., No. CV-16-01103-PHX-ROS, 8 2018 WL
4492362, at *2 (D. Ariz. Sept. 19, 2018). 9 Here, the parties represent to the Court that they "are
diligently working to prepare 10 the necessary documents to support the petition, but require
additional time to finalize 11 certain details related to the settlement agreement and the structure of
the payout for the 12 minor Plaintiffs." ECF No. 13 at 1–2.

Thus, the parties request an extension “to allow the 13 parties to finalize these details and submit complete and accurate minor’s compromise 14 petitions for the Court’s consideration.” Id. at 2. 15 The Court appreciates that the parties have been working together diligently. Upon 16 due consideration, the Court finds good cause to GRANT the joint motion.

As such, the 17 Court orders as follows: 18 I. PETITION FOR APPROVAL OF MINORS’ COMPROMISE 19 A Petition for Approval of Minors’ Compromise (“Petition”) shall be filed on or 20 before September 29, 2025. The Petition should address: 21 1.

The compromised claims. 22 2. The terms of the settlement, with a copy of the settlement agreement 23 (with the minors’ names redacted) attached as an exhibit to the Petition. 24 3. The identity of the petitioner, including the petitioner’s relationship to 25 the minor plaintiffs and the petitioner’s financial stake in the matter, if 26 any. 27 4.

The parties’ position(s) as to whether the settlement is fair, reasonable, 28 and in each of the minor plaintiffs’ best interests. 1 5. Any other information the parties believe would assist this Court’s 2 review of the proposed compromise. 3 The Court strongly prefers the Petition be filed as a joint motion by the parties. If 4 ||this is not possible, the Petition should include a statement from the nonmoving party 5 ||indicating whether the Petition is opposed and if so, on what basis.

6 II. MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM 7 There is no indication on the Court’s docket that a guardian ad litem has been 8 || appointed for A.C. and A.P. in this case. A Motion for Appointment of Guardian Ad Litem, 9 ||or a copy of the state court order appointing a guardian ad litem, if any, must be filed in 10 conjunction with the Petition. 11 il.

CONSENT TO MAGISTRATE JUDGE JURISDICTION 12 The parties may consent to the jurisdiction of the undersigned magistrate judge for 13 limited purpose of entering an order approving the entire minors’ settlement or 14 ||compromise. See CivLR 17.1(a). If the parties wish to consent to the undersigned 15 || magistrate judge for approval of the minors’ compromise, they must email the consent form 16 || attached to the Court’s initial briefing schedule, (ECF No. 12 at 4—5), to the district judge’s 17 ||chambers at efile_robinson @casd.uscourts.gov no later than September 22, 2025.

The 18 || consent form must be executed by the minors A.C. and A.P. by and through their guardian 19 ||ad litem, counsel for the minors, a client representative for the settling defendant, and 20 counsel for defendant. If the parties decline to consent to magistrate judge jurisdiction, the 21 || undersigned will issue a Report and Recommendation regarding the Petition to the district 22 ||judge, pursuant to 28 U.S.C. § 636(c) and Civil Local Rule 72.1.

23 IT IS SO ORDERED. 24 Dated: August 26, 2025 _ArwiorwH. Xyolard Honorable Allison H. Goddard 26 United States Magistrate Judge 27 28

