

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Alphonso Habbaba v. Gorilla Mind, LLC

Habbaba · No. 3:24-cv-00921-JLS-AHG · Decided October 27, 2025

SUMMARY

The United States District Court for the Southern District of California grants the parties’ joint motion to extend discovery and related pretrial deadlines by 30 days. The order finds good cause based on delays caused by corrupted data requiring re-extraction and sets revised deadlines for document production, depositions, expert disclosures and discovery, and pretrial motions.

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	October 27, 2025
DOCKET	3:24-cv-00921-JLS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved under Federal Rule of Civil Procedure 16(b) (4) to amend the scheduling order and extend document-production, fact-discovery, deposition, expert-disclosure, expert-discovery, and related pretrial deadlines by 30 days.
STANDARD OF REVIEW	A scheduling order may be modified only for good cause and with the judge’s consent. The good-cause inquiry focuses on the diligence of the party seeking modification and the reasons for the requested change.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- commercial litigation
- sanctions

PRACTICE AREAS

- civil procedure
- commercial litigation
- discovery

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend discovery and related deadlines.
2. What revised document-production, deposition, expert-disclosure, expert-discovery, and pretrial-motion deadlines should govern the case.

HOLDINGS

1. The parties demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order because they acted diligently and the requested extension was supported by documented production delays and the need to review more than one million pages.
2. The court ordered document production to be completed by November 13, 2025; depositions to occur no later than December 15, 2025; expert designations and Rule 26(a)(2)(A)-(B) disclosures by January 13, 2026; rebuttal-expert disclosures by February 10, 2026; expert discovery by March 10, 2026; and other pretrial motions by April 6, 2026.

KEY QUOTATIONS

“Parties seeking to continue deadlines in the scheduling order, or other deadlines set forth by the Court, must demonstrate good cause.” (at 1)

“The Court finds that the parties have been diligent in their production efforts and appreciates that the parties are working together. As such, the Court finds good cause to GRANT the joint motion.” (at 2)

FACTUAL BACKGROUND

The parties reached an agreement concerning the defendant's document and data production. Much of the extracted data was corrupted and had to be extracted again, after which search terms and date ranges were applied to the newly extracted data. The defendant was reviewing more than one million pages for responsiveness, and the plaintiff required additional time to review the production before depositions of the defendant's representatives.

PROCEDURAL HISTORY

The action was pending in the Southern District of California. The parties had previously entered a second amended scheduling order and jointly sought modifications after delays in producing electronically stored information. The court granted the joint motion and established revised discovery and pretrial deadlines while leaving all other scheduling-order provisions in place.

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)
- Olvera v. Citibank, N.A., No. 25-cv-789-H-AHG, 2025 U.S. Dist. LEXIS 117769, at *2, *4-*5 (S.D. Cal. June 19, 2025)
- Merck v. Swift Transp. Co., No. 16-cv-1103-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 ALPHONSO HABBABA, Case No.: 3:24-cv-00921-JLS-AHG 13 Plaintiff,
ORDER GRANTING JOINT MOTION FOR EXTENSION OF 14 v. DISCOVERY
DEADLINES 15 GORILLA MIND, LLC, [ECF No. 60] 16 Defendant. 17 Before the Court is the
parties' joint motion to amend the scheduling order. ECF 18 No. 60.

The parties seek an order from the Court continuing the deadlines to complete 19 document
production and fact discovery, as well as other related case management 20 deadlines, by 30 days.
Id. 21 Parties seeking to continue deadlines in the scheduling order, or other deadlines set 22 forth
by the Court, must demonstrate good cause. FED. R. CIV. P. 16(b)(4) ("A schedule 23 may be
modified only for good cause and with the judge's consent"); see also ECF No. 57 24 at 6 (Second
Amended Scheduling Order, stating that "[t]he dates [] set forth herein will 25 not be modified
except for good cause shown"); Chmb.R. at 2 (stating that any request for 26 continuance requires
"[a] showing of good cause for the request"). "Good cause" is a non- 27 rigorous standard that has
been construed broadly across procedural and statutory contexts.

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

5 Therefore, "a party demonstrates good cause by acting diligently to meet the original 6 deadlines
set forth by the court." Olvera v. Citibank, N.A., No. 25-cv-789-H-AHG, 2025 7 U.S. Dist. LEXIS
117769, at *2, *4-*5 (S.D. Cal. June 19, 2025) (quoting Merck v. 8 Swift Transp. Co., No. 16-cv-
1103-PHX-ROS, 2018 WL 4492362, at *2 (D. Ariz. 9 Sept. 19, 2018)). 10 Here, the parties
represent to the Court that they have been acting diligently, after 11 having come to an agreement
regarding Defendant's document and data production.

ECF 12 No. 60 at 1. The parties explained that significant delays were caused because much of the
13 data extracted was corrupted and needed to be extracted a second time. Id. at 2. The search 14
terms and date range were applied to the newly extracted, non-corrupted data on 15 October 13,
2025, and Defendant is reviewing the documents, totaling over one million 16 pages, for
responsiveness.

Id. As such, Defendant requires additional time to complete the 17 process, and Plaintiff needs additional time to review the production before depositions of 18 Defendant's representatives are taken. Id. As such, the parties request a 30-day extension 19 of the production and deposition deadlines. Id. 20 The Court finds that the parties have been diligent in their production efforts and 21 appreciates that the parties are working together.

As such, the Court finds good cause to 22 GRANT the joint motion. ECF No. 60. The Court orders as follows: 23 1. All document production must be completed by November 13, 2025. 24 2. Counsel must promptly reserve dates for depositions, to be taken no later than 25 December 15, 2025.1 26 27 28 1 The deadline requested by the parties—December 14, 2025—falls on a Sunday.

1 3. The parties shall designate their respective experts in writing by 2 January 13, 2026. The parties must identify any person who may be used at trial to present 3 evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement is not 4 limited to retained experts.

The date for exchange of rebuttal experts shall be by 5 February 10, 2026. The written designations shall include the name, address and 6 telephone number of the expert and a reasonable summary of the testimony the expert is 7 expected to provide.

The list shall also include the normal rates the expert charges for 8 deposition and trial testimony. 9 4. By January 13, 2026, each party shall comply with the disclosure provisions 10 in Rule 26(a) (2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure 11 requirement applies to all persons retained or specially employed to provide expert 12 testimony, or whose duties as an employee of the party regularly involve the giving of 13 expert testimony.

Except as provided in the paragraph below, any party that fails to 14 make these disclosures shall not, absent substantial justification, be permitted to use 15 evidence or testimony not disclosed at any hearing or at the time of trial.

In addition, 16 the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c). 17 5. Any party shall supplement its disclosure regarding contradictory or rebuttal 18 evidence under Fed. R. Civ. P. 26(a)(2)(D) by February 10, 2026. 19 6. All expert discovery shall be completed by all parties by March 10, 2026. 20 The parties shall comply with the same procedures set forth in the paragraph governing 21 fact discovery.

See ECF No. 24 at ¶ 1. 22 7. Failure to comply with this section or any other discovery order of the court 23 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on 24 the introduction of experts or other designated matters in evidence. 25 8. All other pretrial motions must be filed by April 6, 2026. Counsel for the 26 moving party must obtain a motion hearing date from the law clerk of the judge who will 27 hear the motion.

The period of time between the date you request a motion date and the 28 hearing date may vary from one district judge to another. Please plan accordingly. Failure 1 |to make a timely request for a motion date may result in the motion not being heard. 2 || Motions in limine are to be filed as directed in the Local Rules, or as otherwise set by the 3 || district judge.

4 9. All other dates, deadlines, and procedures set forth in the Court's Second 5 || Amended Scheduling Order (ECF No. 57) remain in place. 6 IT IS SO ORDERED. 7 Dated: October 27, 2025 Morn H. Honorable Allison H. Goddard 9 United States Magistrate Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28