

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Charles Touchet v. United Specialty Insurance Company, et al.

Touchet · No. No. 24-1020 · Decided January 16, 2026

SUMMARY

The court grants defendants’ motion to continue the March 2, 2026 trial date but denies their request to reset discovery and expert pretrial deadlines. Applying Federal Rule of Civil Procedure 16(b)(4), the court finds that defendants did not demonstrate good cause because they were represented when the relevant deadlines expired. The court orders a telephone scheduling conference to reschedule the pretrial conference, trial, and any unexpired deadlines.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Sarah S. Vance
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 16, 2026
DOCKET	No. 24-1020
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Doreglys Manzano Borrell and Alive Free Transportation moved to modify the scheduling order by continuing the trial and resetting discovery and expert pretrial deadlines.
STANDARD OF REVIEW	A continuance is reviewed under the trial court's sound discretion; modification of a scheduling order requires good cause under Federal Rule of Civil Procedure 16(b)(4).
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

- civil procedure
- discovery dispute

PRACTICE AREAS

- civil procedure
- insurance

QUESTIONS PRESENTED

1. Whether defendants established good cause under Federal Rule of Civil Procedure 16(b)(4) to reset the expired discovery and expert pretrial deadlines.
2. Whether the court should continue the March 2, 2026 trial date in light of new counsel's recent enrollment.

HOLDINGS

1. Defendants failed to show good cause for resetting the discovery, disclosure, and Daubert deadlines because those deadlines could reasonably have been met with reasonable diligence while defendants were represented.
2. The court granted the motion to continue the March 2, 2026 trial date because new counsel had recently enrolled, while leaving all expired deadlines unchanged.

KEY QUOTATIONS

“The ‘good cause standard requires the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.’”

“At the scheduling conference, the parties will re-schedule only the deadlines in this Court’s scheduling order that have not yet passed. New Orleans, Louisiana, this 16th day of January, 2026.”

FACTUAL BACKGROUND

Defendants' counsel withdrew on December 19, 2025, and new counsel cleared conflicts and enrolled on January 5, 2026. The discovery and disclosure deadline and the Daubert motion deadline had expired on December 9, 2025, while the dispositive-motion deadline expired on December 16, 2025. Defendants were represented when those deadlines expired, and their prior counsel filed a summary-judgment motion by the dispositive-motion deadline.

PROCEDURAL HISTORY

The defendants moved to modify the scheduling order after prior counsel withdrew and new counsel enrolled. The court granted a continuance of the March 2, 2026 trial date but denied the request to reset discovery and expert pretrial deadlines, finding that those deadlines could have been met with reasonable diligence.

DISPOSITION

other

CASES CITED

- S&W Enters., L.L.C. v. SouthTrust Bank, NA, 315 F.3d 533, 535 (5th Cir. 2003)
- United States v. Alix, 86 F.3d 429, 434 (5th Cir. 1996)
- Streber v. Hunter, 221 F.3d 701, 736 (5th Cir. 2000)

- HC Gun & Knife Shows, Inc. v. City of Houston, 201 F.3d 544, 549-50 (5th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA CHARLES TOUCHET CIVIL ACTION VERSUS NO. 24-1020 UNITED SPECIALTY INSURANCE SECTION “R” (2) COMPANY, ET AL. ORDER AND REASONS Before the Court is a motion from defendants Doreglys Manzano Borrell and Alive Free Transportation to modify the scheduling order.¹ For the following reasons, the Court grants the motion to continue the trial date but denies the motion to reset discovery and expert pretrial deadlines.

Rule 16(b) of the Federal Rules of Civil Procedure provides that “[a] scheduling order may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause standard requires the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.” S&W Enters., L.L.C. v. SouthTrust Bank, NA, 315 F.3d 533, 535 (5th Cir.

2003) (cleaned up). Whether to grant or deny a continuance is within the sound discretion of the trial court. *United States v. Alix*, 86 F.3d 429, 434 (5th Cir. 1996). In 1 R. Doc. 65, deciding whether to grant a continuance, the Court’s “judgment range is exceedingly wide, for... [it] must consider not only the facts of the particular case but also all of the demands on counsel’s time and the court’s.” *Streber v. Hunter*, 221 F.3d 701, 736 (5th Cir.

2000) (quoting *HC Gun & Knife Shows, Inc. v. City of Houston*, 201 F.3d 544, 549-50 (5th Cir. 2000) (cleaned up)). Here, the defendants ask the Court to continue the trial and pretrial deadlines and reset discovery and expert pretrial deadlines. Defendants’ counsel withdrew on December 19, 2025, and defendants’ new counsel cleared conflicts on January 5, 2026.

Defendants assert that they were without counsel during the close of discovery, the expiration of expert deadlines, and related motion practice and thus request a modification of the Scheduling Order to cure the lack of counsel.² Defendants are incorrect.

The discovery and disclosure deadline, as well as the Daubert motion deadline, was December 9, 2025.³ Defendants were represented at that time. Further, the dispositive motion deadline was December 16, 2025.⁴ Defendants were not only represented at that time; their counsel filed a summary judgment motion.

The Court finds that 2 R. Docs. 65, 66. 3 R. Doc. 25. 4 R. Doc. 42. defendants have not asserted good cause to reset the discovery and expert pretrial deadlines, as these deadlines could have been met with reasonable diligence. Given new counsel’s recent enrollment, the Court GRANTS the motion to continue the March 2, 2026 trial date. IT IS ORDERED that a scheduling conference will be held BY TELEPHONE on February 3, 2026 at 10:30 a.m. for the purpose of re-scheduling a pre-trial conference and trial on the merits and any unexpired deadlines.

The Court will be represented at the conference by its Case Manager. Counsel is to dial-in to the conference using telephone number: (833) 990-9400, Access Code: 124518418. At the scheduling conference, the parties will re-schedule only the deadlines in this Court's scheduling order⁵ that have not yet passed. All remaining deadlines that have passed are not reset.

New Orleans, Louisiana, this 16th day of January, 2026. Varver SARAH S. VANCE UNITED STATES DISTRICT JUDGE 5 R. Doc. 25.