

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

Impossible Foods Inc. v. Impossible LLC

No. 5:21-cv-02419-BLF (N.D. Cal. June 27, 2025) · No. 5:21-cv-02419-BLF · Decided June 27, 2025

SUMMARY

The United States District Court for the Northern District of California grants Plaintiff Impossible Foods Inc.’s motion to modify the scheduling order. The Court extends the deadlines for dispositive motions and resets the dispositive-motion hearing, final pretrial conference, and trial because an ongoing in camera review may produce potentially important evidence and the existing schedule cannot reasonably accommodate the case’s expanded claims and jury-trial demands. The Court finds good cause under Federal Rule of Civil Procedure 16(b)(4).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Beth Labson Freeman                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                     |
| DECIDED               | June 27, 2025                                                                                                                                                                                                                                                                            |
| DOCKET                | 5:21-cv-02419-BLF                                                                                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Plaintiff moved under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order, extend the dispositive-motion deadlines, and reset the trial and pretrial dates because related in camera review proceedings concerning potentially privileged evidence remained pending. |
| STANDARD OF REVIEW    | A scheduling order may be modified only for good cause and with the judge’s consent; the inquiry primarily considers the diligence of the party seeking modification, with prejudice to the opposing party as a secondary consideration.                                                 |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                                                                                                            |

TOPICS

- civil procedure
- summary judgment
- discovery dispute
- commercial litigation
- intellectual property

## PRACTICE AREAS

civil procedure

commercial litigation

intellectual property

## QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the dispositive-motion deadlines while potentially critical evidence remained subject to pending in camera review.
2. Whether the existing trial schedule should be reset because the claims and nature of the case had materially changed and the court lacked sufficient availability for the anticipated jury trial.

## HOLDINGS

1. A scheduling order may be modified when it cannot reasonably be met despite the diligence of the party seeking the extension, and Plaintiff established that good cause existed here.
2. The trial and related pretrial deadlines should be reset because the claims and nature of the case had evolved significantly and the existing schedule did not provide sufficient time for the anticipated jury trial.

## KEY QUOTATIONS

*“Under Federal Rule of Civil Procedure 16, a district court’s scheduling order “may be modified only for good cause and with the judge’s consent.”” (II)*

*“The Court concludes that this is a situation in which the case schedule “cannot reasonably be met despite the diligence of the party seeking the extension.”” (III)*

## FACTUAL BACKGROUND

Fact discovery closed shortly before Plaintiff deposed a Defendant representative and sought in camera review of potentially privileged emails under the crime-fraud exception. The district court granted Plaintiff relief from the magistrate judge's initial denial of that request, but the in camera review remained pending when the dispositive-motion deadline approached. The case had also expanded beyond the assumptions underlying the original schedule, including an increase in claims and Defendants' request for a jury trial rather than the anticipated brief bench trial.

## PROCEDURAL HISTORY

Fact discovery closed on April 14, 2025. After a deposition, Plaintiff sought in camera review of potentially privileged documents under the crime-fraud exception; a magistrate judge initially denied the request, but the district judge granted relief from that order, and the in camera proceedings remained pending. Plaintiff then moved to modify the scheduling order, Defendants opposed, and the district court granted the motion, extending the dispositive-motion deadlines and resetting the hearing, final pretrial conference, and trial dates.

## DISPOSITION

other

#### CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)
- Harrison Beverage Co. v. Dribeck Importers, Inc., 133 F.R.D. 463, 469 (D.N.J. 1990)
- NetFuel, Inc. v. Cisco Sys. Inc., No. 18-cv-02352, 2020 WL 510219, at \*1 (N.D. Cal. Jan. 31, 2020)
- Peasley v. Spearman, No. 15-cv-01769, 2017 WL 5451709, at \*3 (N.D. Cal. Nov. 14, 2017)

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