

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Sansone v. Charter Communications, Inc.

No. 17-cv-01880-WQH-JLB (S.D. Cal. Aug. 8, 2025) · No. 17-cv-01880-WQH-JLB · Decided August 8, 2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to continue all deadlines by at least sixty days. The order modified the scheduling deadlines for expert disclosures and discovery, pretrial motions, settlement proceedings, the final pretrial conference, and related matters. It also set a mandatory settlement conference for February 11, 2026, and included directions for participation by Zoom.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Jill L. Burkhardt
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 8, 2025
DOCKET	17-cv-01880-WQH-JLB
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to continue all deadlines by at least sixty days while Plaintiffs' motion for reconsideration and Defendants' motion for decertification were pending.
STANDARD OF REVIEW	The court applied a good-cause standard to the request to modify the scheduling order.
PRECEDENTIAL VALUE	unpublished_nonprecedential

TOPICS

- civil procedure
- discovery dispute
- sanctions
- mediation

PRACTICE AREAS

- civil procedure
- commercial litigation
- class actions

QUESTIONS PRESENTED

1. Whether good cause existed to continue the deadlines in the operative scheduling order by at least sixty days.
2. What revised deadlines and procedural requirements should govern expert disclosures, discovery disputes, settlement proceedings, pretrial preparation, and motions.

HOLDINGS

1. The parties' joint motion to continue all deadlines by at least sixty days was granted because good cause appeared.
2. The modified scheduling order governs the parties' expert disclosures, expert discovery, discovery-dispute procedures, motions, settlement conference, and pretrial obligations; failure to comply may result in waiver, evidence preclusion, or sanctions as specified in the order.

KEY QUOTATIONS

“Good cause appearing, the joint motion is GRANTED. Accordingly, the operative Scheduling Order (ECF No. 252) is MODIFIED as follows:” (at 1)

“Discovery disputes must be brought to the Court’s attention in the time and manner required by § V of Judge Burkhardt’s Civil Chambers Rules.” (at 2)

“A failure to comply in this regard will result in a waiver of a party’s discovery issue.” (at 2-3)

FACTUAL BACKGROUND

The parties requested a sixty-day extension of all dates and deadlines because Plaintiffs' motion for reconsideration and Defendants' motion for decertification were pending. The court found good cause and reset the operative scheduling order, including deadlines for expert disclosures, discovery, settlement, pretrial filings, and motions.

PROCEDURAL HISTORY

The action was pending in the Southern District of California under an operative scheduling order. The court granted the parties' joint motion and modified the scheduling order to establish new expert, discovery, settlement, pretrial, and motion deadlines.

DISPOSITION

other

CASES CITED

- Pitman v. Brinker Int’l, Inc., 216 F.R.D. 481, 485–86 (D. Ariz. 2003)

OPINION

1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 SOUTHERN DISTRICT OF
CALIFORNIA 11 12 JENNIFER M. SANSONE and Case No.: 17-cv-01880-WQH-JLB
BALDEMAR ORDUNO, JR., 13 Individually and on Behalf of Other ORDER GRANTING
JOINT 14 Members of the Public Similarly Situated, MOTION TO CONTINUE ALL
DEADLINES BY AT LEAST 15 Plaintiffs, SIXTY DAYS 16 v. [ECF No. 253] 17 CHARTER
COMMUNICATIONS, INC., et al., 18 Defendants.

19 20 21 Before the Court is the parties' Joint Motion to Continue All Deadlines By At Least 22
Sixty Days. (ECF No. 253.) The parties request a sixty-day extension of all dates and 23 deadlines
pending the Plaintiffs' Motion for Reconsideration (ECF No. 230), and 24 Defendants' Motion for
Decertification. (ECF No. 237.) Good cause appearing, the joint 25 motion is GRANTED.

Accordingly, the operative Scheduling Order (ECF No. 252) is 26 MODIFIED as follows: 27 1.
The parties shall designate their respective experts in writing by 28 October 27, 2025. The parties
must identify any person who may be used at trial to present 1 evidence pursuant to Rules 702,
703 or 705 of the Fed. R. Evid. This requirement is not 2 limited to retained experts.

The date for exchange of rebuttal experts shall be by 3 November 10, 2025. The written
designations shall include the name, address and 4 telephone number of the expert and a
reasonable summary of the testimony the expert is 5 expected to provide.

The list shall also include the normal rates the expert charges for 6 deposition and trial testimony.
7 2. By December 12, 2025, each party shall comply with the disclosure 8 provisions in Rule 26(a)
(2)(A) and (B) of the Federal Rules of Civil Procedure. This 9 disclosure requirement applies to all
persons retained or specially employed to provide 10 expert testimony, or whose duties as an
employee of the party regularly involve the giving 11 of expert testimony.

Except as provided in the paragraph below, any party that fails 12 to make these disclosures shall
not, absent substantial justification, be permitted to 13 use evidence or testimony not disclosed at
any hearing or at the time of trial.

In 14 addition, the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c). 15 3. Any
party shall supplement its disclosure regarding contradictory or rebuttal 16 evidence under Fed. R.
Civ. P. 26(a)(2)(D) by December 19, 2025. 17 4. All expert discovery shall be completed by all
parties by January 23, 2026. 18 5. Counsel shall promptly and in good faith meet and confer with
regard to 19 all discovery disputes in compliance with Civil Local Rule 26.1.a.

The Court expects 20 counsel to make every effort to resolve all disputes without court
intervention through the 21 meet and confer process. Discovery disputes must be brought to the
Court's attention in 22 the time and manner required by § V of Judge Burkhardt's Civil Chambers
Rules. All 23 discovery disputes must be raised within 30 calendar days of the service of an 24
objection, answer, or response that becomes the subject of dispute, or the passage of a 25

discovery due date without response or production, and only after counsel (and any 26 unrepresented parties) have met and conferred to resolve the dispute.

See J. Burkhardt Civ. 27 Chambers R. § V. A failure to comply in this regard will result in a waiver of a party's 28 discovery issue. Absent an order of the court, no stipulation continuing or altering 1 this requirement will be recognized by the court. 2 6. Failure to comply with the above paragraphs or any other discovery order of 3 the court may result in the sanctions provided for in Fed.

R. Civ. P. 37, including a 4 prohibition on the introduction of experts or other designated matters in evidence. 5 7. All other pretrial motions must be filed by February 20, 2026. Counsel for 6 the moving party must obtain a motion hearing date from the law clerk of the judge who 7 will hear the motion.

The period of time between the date you request a motion date and 8 the hearing date may vary from one district judge to another. Please plan accordingly. 9 Failure to make a timely request for a motion date may result in the motion not being heard. 10 Motions in limine are to be filed as directed in the Local Rules, or as otherwise set by the 11 district judge.

12 8. A Mandatory Settlement Conference ("MSC") will be held by video 13 conference¹ on February 11, 2026 at 1:45 PM before Magistrate Judge Jill L. 14 Burkhardt. Mandatory directions for participating in the MSC by video conference 15 are attached hereto.

The purpose of the MSC is to permit an informal, candid discussion 16 between the attorneys, parties, and the settlement judge of every aspect of the lawsuit in an 17 effort to achieve a mediated resolution of the case. All MSC discussions will be off the 18 record, privileged, and confidential. See CivLR 16.3.h. 19 Pursuant to Civil Local Rule 16.3, all party representatives and claims adjusters for 20 insured defendants with full and unlimited authority² to negotiate and enter into a binding 21 22 1 If any party believes the MSC is more likely to be successful if conducted in-person, 23 that party shall meet and confer on the issue with the other parties.

After meeting and conferring, and no later than 60 days before the MSC, the parties shall leave a joint 24 voicemail with chambers at (619) 557-6624 indicating which of the parties requests an in-25 person MSC. In the voicemail, the parties shall leave three mutually available dates for a telephonic status conference to discuss whether the MSC should be held in-person.

The 26 final decision will be made by the Court. 27 2 "Full authority to settle" means that the individuals at the settlement conference must be authorized to fully explore settlement options and to agree at that time to any settlement 28 1 settlement, as well as the principal attorney(s) responsible for the litigation, must be present 2 and legally and factually prepared to discuss and resolve the case at the MSC.

In the case 3 of an entity, an authorized representative of the entity who is not retained outside counsel 4 must be present and must have discretionary authority to commit the entity to pay an 5 amount up to the amount of the Plaintiff's prayer (excluding punitive damages prayers). 6 The purpose of this requirement is to have representatives present who can settle the case 7 during the course of the conference without consulting a superior.

8 Counsel for a United States government entity may be excused from this 9 requirement so long as the government attorney who attends the MSC conference (1) has 10 primary responsibility for handling the case, and (2) may negotiate settlement offers which 11 the attorney is willing to recommend to the government official having ultimate settlement 12 authority.

13 Failure to attend the MSC or obtain proper excuse will be considered grounds 14 for sanctions. 15 9. No later than 21 days before the MSC, the parties shall commence their 16 exchange of formal settlement proposals, as required by § III.A. of Judge Burkhardt's Civil 17 Chambers Rules. No later than 14 days before the MSC, the parties shall meet and confer 18 in person or telephonically, as required by § III.B. of Judge Burkhardt's Civil Chambers 19 Rules.

20 10. No later than February 4, 2026, counsel (and any unrepresented parties) shall 21 lodge confidential MSC statements with Judge Burkhardt's chambers via e-mail at 22 efile_Burkhardt@casd.uscourts.gov. The parties' MSC statements shall comply with 23 24 25 648 (7th Cir. 1989).

The person needs to have "unfettered discretion and authority" to change the settlement position of a party. *Pitman v. Brinker Int'l., Inc.*, 216 F.R.D. 481, 26 485–86 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement 27 authority to attend the conference includes that the person's view of the case may be altered during the face-to-face conference.

Id. at 486. A limited or a sum certain of authority is 28 1 § III.C. of Judge Burkhardt's Civil Chambers Rules. 2 11. Counsel shall file their Memoranda of Contentions of Fact and Law and take 3 any other action required by Civil Local Rule 16.1.f.2 by May 29, 2026.

In jury trial cases 4 before Judge Hayes, neither party is required to file Memoranda of Contentions of Fact and 5 Law. 6 12. Counsel shall comply with the pre-trial disclosure requirements of Fed. R. 7 Civ. P. 26(a)(3) by May 29, 2026. Failure to comply with these disclosure requirements 8 could result in evidence preclusion or other sanctions under Fed. R. Civ.

P. 37. 9 13. Counsel shall meet and take the action required by Civil Local Rule 16.1.f.4 10 by June 15, 2026. At this meeting, counsel shall discuss and attempt to enter into 11 stipulations and agreements resulting in simplification of the triable issues. Counsel shall 12 exchange copies and/or display all exhibits other than those to be used for impeachment.

13 The exhibits shall be prepared in accordance with Civil Local Rule 16.1.f.4.c. Counsel 14 shall note any objections they have to any other parties' Pretrial Disclosures under Fed. R. 15 Civ. P. 26(a)(3). Counsel shall cooperate in the preparation of the proposed pretrial 16 conference order. 17 14. Counsel for Plaintiff will be responsible for preparing the pretrial order and 18 arranging the meetings of counsel pursuant to Civil Local Rule 16.1.f.

By June 22, 2026, 19 Plaintiff's counsel must provide opposing counsel with the proposed pretrial order for 20 review and approval. Opposing counsel must communicate promptly with Plaintiff's 21 attorney concerning any objections to form or content of the pretrial order, and both parties 22 shall attempt promptly to resolve their differences, if any, concerning the order.

23 15. The Proposed Final Pretrial Conference Order, including objections to any 24 other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and 25 lodged with the assigned district judge by June 29, 2026, and shall be in the form 26 prescribed in and comply with Civil Local Rule 16.1.f.6. 27 16.

The final Pretrial Conference is scheduled on the calendar of the Honorable 28 William Q. Hayes on July 15, 2026, at 9:00 AM. 1 17. The parties must review the chambers' rules for the assigned district judge 2 magistrate judge. 3 18. A post trial settlement conference before a magistrate judge may be held 4 || within 30 days of verdict in the case. 5 19.

The dates and times set forth herein will not be modified except for good cause 6 || shown. 7 20. Briefs or memoranda in support of or in opposition to any pending motion 8 ||shall not exceed twenty-five pages in length without leave of a district court judge. No 9 reply memorandum shall exceed ten pages without leave of a district court judge. Briefs 10 |}and memoranda exceeding ten pages in length shall have a table of contents and a table of 11 || authorities cited.

12 21. Plaintiff's counsel shall serve a copy of this order on all parties that enter this 13 || case hereafter. 14 IT IS SO ORDERED. 15 ||Dated: August 8, 2025 - n. Jill L. Burkhardt V7 ited States Magistrate Judge 18 19 20 21 22 23 24 25 26 27 28 1 Mandatory Directions for Zoom Video Conference Participation 2 1.

The Court will use its official ZoomGov video conferencing account to hold 3 the MSC. IF YOU ARE UNFAMILIAR WITH ZOOM: Zoom is available on 4 computers through a download on the Zoom website (<https://zoom.us/meetings>) or on 5 mobile devices through the installation of a free app.3 Joining a Zoom conference does not 6 require creating a Zoom account, but it does require downloading the.exe file (if using a 7 computer) or the app (if using a mobile device).

Participants are encouraged to create an 8 account, install Zoom and familiarize themselves with Zoom in advance of the MSC.4 9 There is a cost-free option for creating a Zoom account. 10 2. Prior to the start of the MSC, the Court will e-mail each MSC participant an 11 invitation to join a Zoom video conference. Again, if possible, participants are encouraged 12 to use laptops or

desktop computers for the video conference, as mobile devices often offer inferior performance.

Because Zoom may quickly deplete the battery of a participant's device, each participant should ensure that her or his device is plugged in or that a charging cable is readily available during the video conference. Participants shall join the video conference by following the ZoomGov Meeting hyperlink in the invitation. Participants who do not have Zoom already installed on their device when they click on the ZoomGov Meeting hyperlink will be prompted to download and install Zoom before proceeding.

Zoom may then prompt participants to enter the password included in the invitation. All participants will be placed in a waiting room until the MSC begins. 3. Each participant should plan to join the Zoom video conference at least 5 minutes before the start of the MSC to ensure that the MSC begins on time. 4. Zoom's functionalities will allow the Court to conduct the MSC as it ordinarily would conduct an in-person MSC.

That is, the Court will begin the MSC with 3 If possible, participants are encouraged to use laptops or desktop computers for the video conference, as mobile devices often offer inferior performance. 4 For help getting started with Zoom, visit: <https://support.zoom.us/hc/en-> 1 all participants joined together in a main session.

After an initial discussion in the main session, the Court will divide participants into separate, confidential sessions, which Zoom calls Breakout Rooms.⁵ In a Breakout Room, the Court will be able to communicate with 4 participants from a single party in confidence. Breakout Rooms will also allow parties and 5 counsel to communicate confidentially without the Court.

6 5. As previously stated, MSCs are confidential court proceedings. All attendees 7 must participate from a private and stable location where no individual who is not a party, 8 a party representative, or an attorney for a party can overhear the proceedings. All 9 attendees must be prepared to devote their full attention to the MSC as if they were 10 attending in person.

This means that attendees must clear their schedules of all conflicts 11 for the entire period of the MSC.⁶ Attendees may not participate from a moving car or a 12 public space. 13 6. All participants are expected to display the same level of professionalism and 14 civility as they would at an in-person court proceeding. See CivLR 2.1; J. Burkhardt's Civ. 15 Chambers R. § I. 16 17 18 19 20 21 22 23 24 25 26 27 5 For more information on what to expect when participating in a Zoom Breakout Room, visit: <https://support.zoom.us/hc/en-us/articles/115005769646> 28