

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Akrami v. Seaworld Parks & Entertainment, Inc.

No. 24cv171-W (MSB) (S.D. Cal. Mar. 3, 2025) · No. 24cv171-W (MSB) · Decided March 3, 2025

SUMMARY

The United States District Court for the Southern District of California partially grants and partially denies the parties’ joint motion to continue discovery and pretrial deadlines. Applying the good-cause standard under Federal Rule of Civil Procedure 16(b)(4), the court grants a thirty-day extension but declines to approve the requested approximately sixty-day continuance.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michael S. Berg
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 3, 2025
DOCKET	24cv171-W (MSB)
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to continue discovery deadlines and other pretrial proceedings by approximately sixty days.
STANDARD OF REVIEW	Good cause under Federal Rule of Civil Procedure 16(b)(4), with primary consideration given to the diligence of the party seeking modification.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Fatemeh Akrami v. Seaworld Parks & Entertainment, Inc., et al.

TOPICS

- discovery dispute
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the parties established good cause and extraordinary circumstances under Federal Rule of Civil Procedure 16(b)(4) to modify the existing scheduling order and continue all remaining case deadlines by approximately sixty days.
2. Whether the court should grant a partial extension of the case schedule to accommodate defense counsel's unexpected trial obligations and Plaintiff's deposition.

HOLDINGS

1. A scheduling order may be modified only upon a showing of good cause and with the judge's consent, and the good-cause inquiry primarily considers the diligence of the party seeking the amendment. The parties did not establish extraordinary circumstances warranting the requested approximately sixty-day continuance.
2. The court granted a thirty-day extension of the case schedule to accommodate defense counsel's unexpected trial obligations and Plaintiff's deposition, while denying the request for an additional approximately sixty-day continuance.

KEY QUOTATIONS

"A scheduling order "may be modified only for good cause and with the judge's consent."" (at 2)

"The good cause standard "primarily considers the diligence of the party seeking the amendment. The district court may modify the pretrial schedule 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"" (at 2)

FACTUAL BACKGROUND

The parties had already obtained substantial continuances of the discovery and pretrial schedule, including an approximately 150-day extension of the discovery cutoff. Defendant had not received all subpoenaed records, defense counsel had been unexpectedly required to try another case, and Plaintiff was unavailable for deposition until April 2025. The court found that the parties had not shown extraordinary circumstances supporting the requested sixty-day continuance, but found sufficient justification for a thirty-day extension to accommodate defense counsel's trial obligations and Plaintiff's deposition.

PROCEDURAL HISTORY

The court had previously granted continuances of the case schedule, including a continuance of approximately 150 days to the discovery cutoff. The parties sought another approximately sixty-day continuance based on outstanding subpoenaed records, defense counsel's unexpected trial obligations, and Plaintiff's unavailability for deposition until April 2025. The court granted the motion in part, extending the relevant deadlines by thirty days, and denied it in part as to the requested additional continuance.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)

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