

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| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                   |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)

## OPINION

Akrami v. Seaworld Parks & Entertainment, Inc.

PER CURIAM.

2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 FATEMEH AKRAMI, Case No.: 24cv171-W (MSB) 12 Plaintiff,

ORDER GRANTING IN PART AND

13 v. DENYING IN PART JOINT MOTION FOR

CONTINUANCE [ECF NO. 33]

14 SEAWORLD PARKS & ENTERTAINMENT,

INC., et al., 15 Defendants. 16 17 18 Pending before the Court is the parties' "Joint Motion Stipulating to the 19 Continuance of Discovery Deadlines and Other Pre-Trial Proceedings," filed by Plaintiff 20 Fatemeh Akrami ("Plaintiff") and Defendant SeaWorld LLC ("Defendant") on February 21 27, 2025. (ECF No. 33, hereinafter "Joint Motion.") The parties ask that the remaining 22 case schedule be continued by approximately sixty days for the following reasons: (1) 23 Defendant has not received all subpoenaed records; (2) Defendant was unable to 24 depose Plaintiff earlier because defense counsel had to unexpectedly try a different 25 case; and (3) Plaintiff is unavailable for a deposition until April 2025. (Id. at 4.) 26 The Court held an Early Neutral Evaluation and Case Management Conference 27 nearly one year ago on March 11, 2024. (ECF No. 9.) The following day, the Court 28 continuance on July 15, 2024, and a ninety-day continuance on December 5, 2024. (See 3 ECF Nos. 20 & 29.) The most recent Scheduling Order warned that "[a]s this is the 4 second lengthy modification to the case schedule, future continuances will not be 5 considered absent extraordinary circumstances." (ECF No. 29 at 3.) During a telephonic 6 Case Management Conference on January 7, 2025, the Court informed the attorneys it 7 would be willing to allow Plaintiff's deposition to take place past the close of fact 8 discovery. (ECF No. 32.) Now, the parties seek to continue all case deadlines by 9 approximately sixty days. (ECF No. 33 at 5.) 10 A scheduling order "may be modified only for good cause and with the judge's 11 consent." Fed. R. Civ. P. 16(b)(4). The good cause standard "primarily considers the 12 diligence of the party seeking the amendment. The district court may modify the 13 pretrial schedule 'if it cannot reasonably be met despite the diligence of the party 14 seeking the extension.'" Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th

15 Cir. 1992). Here, the discovery cutoff has been continued by approximately 150 days

16 from January 13, 2025 to June 9, 2025. (ECF Nos. 10 & 29.) Considering the substantial 17 continuances to date and the relative complexity of this case, the Court does not find 18 the parties

have articulated extraordinary circumstances warranting an additional sixty- 19 day continuance. However, the Court will provide a thirty-day extension to 20 accommodate defense counsel's unexpected trial obligations and Plaintiff's deposition. 21 Accordingly, the Joint Motion is GRANTED in part and DENIED in part as follows:

22 EVENT PREVIOUS DEADLINE NEW DEADLINE

23 Fact Discovery Deadline March 14, 2025 April 14, 2025 24 Expert Designation March 14,  
2025 April 14, 2025 25 Rebuttal Expert Exchange March 28, 2025 April 28, 2025 26 Expert  
Disclosures April 25, 2025 May 28, 2025 27 Supplemental Disclosures May 9, 2025 June 11, 2025  
3 ||| Mandatory Settlement September 29, 2025, at November 3, 2025, at 9:30 7 ||| Meeting of  
Counsel, Local | October 14, 2025 November 17, 2025 9 ||| Plaintiff to Provide Pretrial | October  
20, 2025 November 24, 2025 omen 11 Proposed Final Pretrial October 27, 2025 December 1,  
2025 omeneone 14 ||| Final Pretrial Conference November 10, 2025, at December 15, 2025, at ee  
on ewe 16 17 ||As this is the third continuance, future requests to substantially alter the case  
schedule 18 || will not be considered. 19 IT IS SO ORDERED. 20 || Dated: March 3, 2025 \_ = 21  
Pe Honorable Michael S. Berg 22 United States Magistrate Judge 23 24 25 26 27 || ——— 28 All  
guidelines in the Court's original Scheduling Order remain in place. (See ECF No. 10.)