

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Diaz v. City of Merced

Diaz · No. 1:23-CV-00065-JLT-SKO · Decided February 21, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Armando Diaz’s request to reopen and extend expert discovery in his civil rights action against the City of Merced and related defendants. The court finds good cause and excusable neglect based on Plaintiff’s efforts to retain counsel while proceeding pro se, and orders the parties to meet and confer regarding revised expert-discovery, trial, and pretrial deadlines.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 21, 2025
DOCKET	1:23-CV-00065-JLT-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to modify the scheduling order and reopen and extend expert discovery after the expiration of the expert disclosure and discovery deadlines. Defendants opposed the request. The magistrate judge granted the motion.
STANDARD OF REVIEW	Abuse-of-discretion-style case-management review; the court applied the good-cause standard under Federal Rule of Civil Procedure 16(b)(4) and the excusable-neglect standard under Rule 6(b)(1)(B).
PRECEDENTIAL VALUE	unknown

TOPICS

- discovery dispute
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause under Federal Rule of Civil Procedure 16(b)(4) to reopen and extend the expired expert-discovery deadlines.
2. Whether Plaintiff established excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B) for failing to comply with the expired deadlines.
3. Whether reopening expert discovery would cause undue prejudice or impair the orderly and efficient resolution of the case.

HOLDINGS

1. A scheduling order may be modified to reopen expert discovery when the moving party demonstrates good cause, with diligence serving as the primary focus of the inquiry.
2. When a party seeks to modify an elapsed deadline, the court must also consider whether the failure to act resulted from excusable neglect under Rule 6(b)(1)(B).
3. Reopening limited expert discovery was warranted where the opposing party would not suffer undue prejudice and the modification served the interests of justice.

KEY QUOTATIONS

“The ‘good cause’ standard under Rule 16(b) ‘primarily considers the diligence of the party seeking the amendment,’” (at 3)

“The determination of whether neglect is excusable ‘is at bottom an equitable one, taking account of all relevant circumstances surrounding the party’s omission.’” (at 3)

“Further, while the Court recognizes that the request is opposed (Doc. 31) and Defendant will incur increased litigation costs as a result of granting Plaintiff’s request to modify the Scheduling Order, any prejudice suffered by Defendant in this regard is substantially outweighed by Plaintiffs need to engage in discovery to adequately prepare for trial.” (at 4)

FACTUAL BACKGROUND

Plaintiff's original counsel withdrew in August 2024, after which Plaintiff proceeded pro se and attempted to retain new counsel. The expert disclosure, rebuttal-expert, and expert-discovery deadlines expired while Plaintiff lacked counsel. After new counsel appeared in February 2025, Plaintiff sought to reopen expert discovery, supported by a declaration describing contacts with seventeen lawyers or law groups. The trial and pretrial dates had also been vacated or continued, reducing the risk that reopening the limited expert discovery would delay trial.

PROCEDURAL HISTORY

Plaintiff filed this civil rights action on January 12, 2023. After Plaintiff's original counsel withdrew, Plaintiff proceeded pro se for approximately six months while attempting to obtain new counsel. Following the appearance of new counsel, Plaintiff moved to reopen expert discovery. The district court referred the opposed

discovery-extension request to the assigned magistrate judge, who granted it after finding good cause and excusable neglect.

DISPOSITION

other

CASES CITED

- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988)
- City of Pomona v. SQM N. Am. Corp., 866 F.3d 1060, 1066 (9th Cir. 2017)
- United States ex rel. Schumer v. Hughes Aircraft Co., 63 F.3d 1512, 1516 (9th Cir. 1995), vacated on other grounds, 520 U.S. 939 (1997)
- In re W. States Wholesale Nat. Gas Antitrust Litig., 715 F.3d 716, 737 (9th Cir. 2013)
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)
- Multiple Energy Technologies, LLC v. Casden, 2022 WL 16972482, at *4 (C.D. Cal. Nov. 16, 2022)
- Pincay v. Andrews, 389 F.3d 853, 855 (9th Cir. 2004)
- Pioneer Inv. Servs. Co. v. Brunswick Assoc. Ltd. P'ship, 507 U.S. 380, 395 (1993)
- Lemoge v. United States, 587 F.3d 1188, 1192 (9th Cir. 2009)
- Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010)
- Rodgers v. Watt, 722 F.2d 456, 459 (9th Cir. 1983)
- Woodard v. City of Menlo Park, No. C 09-3331 SBA, 2012 WL 2119278, at *1-2 (N.D. Cal. June 11, 2012)