

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Alphonso Habbaba v. Gorilla Mind, LLC

Habbaba · No. 3:24-cv-00921-JLS-AHG · Decided December 4, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted and partially denied the parties’ joint motion to extend discovery and related case-management deadlines. The court found the parties had not shown diligence in timely seeking an extension but granted limited relief to facilitate document production, depositions, expert discovery, and settlement discussions.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Allison H. Goddard
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 4, 2025
DOCKET	3:24-cv-00921-JLS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to amend the scheduling order and extend discovery and related case-management deadlines by approximately thirty days.
STANDARD OF REVIEW	A scheduling order may be modified only for good cause and with the judge's consent. Good cause focuses primarily on the diligence of the party seeking modification and the reasons for the requested change.
PRECEDENTIAL VALUE	Unknown; district court scheduling order

TOPICS

- discovery dispute
- civil procedure
- mediation
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- discovery

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend discovery deadlines.
2. Whether the requested extensions and related scheduling changes should be granted despite the parties' failure to file the motion before the affected deadlines.

HOLDINGS

1. The parties did not demonstrate diligence because they filed the motion after the affected deadline, but the court nevertheless found good cause sufficient to grant the joint motion in part in the interest of facilitating settlement and the scheduled mediation.
2. The court granted the joint motion in part and established revised deadlines for document production, depositions, expert disclosures and discovery, pretrial motions, and related case-management matters, while leaving all other scheduling-order dates and procedures in place.

KEY QUOTATIONS

“A schedule may be modified only for good cause and with the judge’s consent” (at 1)

“the focus of the inquiry is upon the moving party’s reasons for seeking modification. ... If that party was not diligent, the inquiry should end.” (at 2)

FACTUAL BACKGROUND

Defendant's counsel experienced a software update that allegedly impaired the firm's ability to work for approximately two weeks and caused several emergency system shutdowns, delaying review of Defendant's document production. Because the production was delayed, Plaintiff could not complete review before taking certain liability depositions. The parties also scheduled a private mediation and sought additional time to focus on settlement rather than incur travel expenses for depositions.

PROCEDURAL HISTORY

The case was pending in the Southern District of California under a second amended scheduling order. The parties sought extensions after delays in document production, the need to complete depositions, and an upcoming private mediation. The court found that the parties' delay in seeking relief undermined diligence but granted the motion in part to facilitate settlement and mediation.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607, 609 (9th Cir. 1992)
- Liguori v. Hansen, No. 2:11cv492-GMN-CWH, 2012 WL 760747, at *12 (D. Nev. Mar. 6, 2012)
- Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010)

- Doe v. Wyndham Hotels & Resorts, Inc., No. 3:24-cv-217-JLS-AHG, 2025 WL 2881574, at *1-*2 (S.D. Cal. Oct. 9, 2025)
- Merck v. Swift Transp. Co., No. 16-cv-1103-PHX-ROS, 2018 WL 4492362, at *2 (D. Ariz. Sept. 19, 2018)

OPINION

Habbaba

PER CURIAM.

1 2 3 4 5 6 7 8

9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 12 ALPHONSO HABBABA, Case No.: 3:24-cv-00921-JLS-AHG 13 Plaintiff, ORDER
GRANTING IN PART AND

DENYING IN PART JOINT

14 v.

MOTION FOR EXTENSION OF

15 GORILLA MIND, LLC, DISCOVERY DEADLINES

16 Defendant. [ECF No. 62] 17 18 19 Before the Court is the parties' joint motion to amend the
scheduling order. ECF

20 No. 62. The parties seek an order from the Court continuing the deadlines to complete

21 document production and fact discovery, as well as other related case management 22
deadlines, by approximately 30 days. Id. 23 Parties seeking to continue deadlines in the scheduling
order, or other deadlines set 24 forth by the Court, must demonstrate good cause. FED. R. CIV. P.
16(b)(4) ("A schedule 25 may be modified only for good cause and with the judge's consent"); see
also ECF No. 57 26 at 6 (Second Amended Scheduling Order, stating that "[t]he dates [] set forth
herein will 27 not be modified except for good cause shown"); Chmb.R. at 2 (stating that any
request for 28 continuance requires "[a] showing of good cause for the request"). Courts have
broad 1 discretion in determining whether there is good cause. See, e.g., Johnson v. Mammoth 2
Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992); Liguori v. Hansen, No. 2:11cv492- 3 GMN-
CWH, 2012 WL 760747, at *12 (D. Nev. Mar. 6, 2012). "Good cause" is a non- 4 rigorous
standard that has been construed broadly across procedural and statutory contexts. 5 Ahanchian v.
Xenon Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause 6 standard focuses on
the diligence of the party seeking to amend the scheduling order and 7 the reasons for seeking
modification. Johnson, 975 F.2d at 609 ("[T]he focus of the inquiry 8 is upon the moving party's
reasons for seeking modification. ... If that party was not 9 diligent, the inquiry should end.").

Therefore, "a party demonstrates good cause by acting 10 diligently to meet the original deadlines
set forth by the court." Doe v. Wyndham Hotels & 11 Resorts, Inc., No. 3:24-cv-217-JLS-AHG,
2025 WL 2881574, at *1-*2 (S.D. Cal. Oct. 9, 12 2025) (quoting Merck v. Swift Transp. Co., No.
16-cv-1103-PHX-ROS, 2018 WL 13 4492362, at *2 (D. Ariz. Sept. 19, 2018)). 14 Here, the

parties represent to the Court that they need more time for Defendant to 15 complete its document and data production, and for the parties to conduct depositions. ECF

16 No. 62. The parties represent to the Court that Defendant's counsel's law firm updated its 17 software, which "crippled the ability to work for two weeks, leading to approximately three 18 emergency shutdowns of the entire system." Id. at 2. As such, those tasked with reviewing 19 Defendant's document production were unable to conduct any review. Id. Though 20 Defendant's counsel has been reviewing the production as quickly as possible, they have 21 been unable to catch up and need an extension. Id. at 3. Since the document and data 22 production has been delayed, and since Plaintiff seeks to review the production before 23 taking depositions, Plaintiff has been unable to take certain liability depositions, including 24 those of Defendant's corporate employees. Id. at 2. The parties also represent to the Court 25 that they have scheduled a private mediation with Thomas Tobin for December 12, 2025.

26 Id. at 3. The parties seek to "focus their efforts on settlement, rather than spending 27 significant expenses on traveling to Canada and Idaho for depositions." Id. Thus, the parties 28 request an extension of both the document production deadline and the deposition 1 deadline—from November 13, 2025, to December 19, 2025, and from December 15, 2025, 2 to January 19, 2026, respectively. Id. at 4. 3 Though the Court appreciates that the parties have been working together and that 4 Defendant has been putting in much effort to review the document production, the Court 5 expresses its concern regarding the parties' delay in filing the instant motion. By filing the 6 motion twenty days after the November 13, 2025, deadline, the parties failed to follow the 7 Court's Chambers Rules. See Chmb.R. at 2 (requiring that "[a]ll requests for continuances 8 must be made by a joint motion no less than seven calendar days before the affected date") 9 (emphasis added). Though the parties seem to be working well together and notifying each 10 other regarding difficulties meeting court-ordered deadlines, the parties have not sought 11 permission from the Court to extend those deadlines. Compare ECF No. 62 at 2 12 ("Defendant advised Plaintiff that the document production would not be complete before

13 November 13th, but assured Plaintiff that the production would be complete prior to 14 December 5th") with ECF No. 62 (filed December 3, 2025, with first mention of any issues 15 meeting the Court's November 13, 2025, deadline). 16 Though the Court finds that the delay in filing the instant motion belies a finding of 17 diligence, in the interest of furthering the parties' settlement discussions and assisting the 18 private mediation be successful, the Court finds good cause to GRANT IN PART the joint 19 motion. The Court orders as follows: 20 1. By December 18, 2025, the parties must submit a joint update to the Court 21 via email (not filed) (to efile_goddard@casd.uscourts.gov) regarding the outcome of the 22 mediation. If the parties are considering a mediator's proposal, they should include the 23 mediator's proposal response deadline in their joint email update. 24 2. All document production must be completed by December 19, 2025. 25 3. Counsel must promptly reserve dates for depositions, to be taken no later than

26 January 9, 2026.

27 4. The parties shall designate their respective experts in writing by

28 January 30, 2026. 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 February 20, 2026. 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 5. By January 30, 2026, each party shall comply with the disclosure provisions 8 in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure 9

requirement applies to all persons retained or specially employed to provide expert 10 testimony, or whose duties as an employee of the party regularly involve the giving of 11 expert testimony.

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

any hearing or at the time of trial. In addition, 14 the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c). 15 6. Any party shall supplement its disclosure regarding contradictory or

rebuttal 16 evidence under Fed. R. Civ. P. 26(a)(2)(D) by February 20, 2026. 17 7. All expert discovery shall be completed by all parties by March 13, 2026. 18 The parties shall comply with

the same procedures set forth in the paragraph governing 19 fact discovery. See ECF No. 24 at ¶ 1. Failure to comply with this section or any other 20 discovery order of the court may result in the

sanctions provided for in Fed. R. Civ. P. 37, 21 including a prohibition on the introduction of experts or other designated matters in 22 evidence. 23 8. All other pretrial motions must be filed

by April 6, 2026. Counsel for the 24 moving party must obtain a motion hearing date from the law clerk of the judge who will 25 hear the motion. The period of time between the date you request a

motion date and the 26 hearing date may vary from one district judge to another. Please plan accordingly. Failure 27 to make a timely request for a motion date may result in the motion not

being heard. 28 / / 1 || Motions in limine are to be filed as directed in the Local Rules, or as otherwise set by the 2 || district judge. 3 9. Upon due consideration, (see ECF No. 57 at 3 n.1), the

Mandatory Settlement 4 ||Conference set for May 13, 2025, remains on calendar. If the parties' upcoming

5 December 12, 2025, private mediation is unsuccessful and the parties are continuing to

6 || work with Mr. Tobin toward resolution or schedule a further private mediation, upon a 7 || joint email from the parties (to efile_goddard@casd.uscourts.gov), the Court will consider 8 || vacating

the Mandatory Settlement Conference. 9 10. All other dates, deadlines, and procedures set forth in the Court's Second 10 || Amended Scheduling Order (ECF No. 57) remain in place. 11 IT IS SO

ORDERED. 12 ||Dated: December 4, 2025 3 _ArwioonH. Kovolar Honorable Allison H. Goddard

14 United States Magistrate Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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