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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 SHALIECIA WILLIAMS,  
12 Plaintiff,  
13 v.  
14 CAMDEN USA INC., et al.,  
15 Defendants.

Case No.: 3:19-cv-691-AJB-AHG

**ORDER:**

**(1) GRANTING JOINT MOTION TO  
CONTINUE DISCOVERY  
DEADLINES, and**

**(2) ISSUING FIRST AMENDED  
SCHEDULING ORDER**

**[ECF No. 59]**

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20 Before the Court is the parties' joint motion for extension of discovery deadlines.  
21 ECF No. 59. The parties seek an order from the Court extending certain case management  
22 deadlines by approximately two to five weeks. *Id.* at 4–5.

23 Parties seeking to modify the scheduling order under Rule 16(b) must demonstrate  
24 good cause. FED. R. CIV. P. 16(b)(4) (“A schedule may be modified only for good cause  
25 and with the judge’s consent”); ECF No. 39 at ¶ 15 (operative scheduling order, stating  
26 that “[t]he dates and times set forth herein will not be modified except for good cause  
27 shown”); Chmb.R. at 2 (stating that any request for continuance requires “[a] showing of  
28

1 good cause for the request”); *see also* FED. R. CIV. P. 6(b) (“When an act may or must be  
2 done within a specified time, the court may, for good cause, extend the time”).

3 “Good cause” is a non-rigorous standard that has been construed broadly across  
4 procedural and statutory contexts. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259  
5 (9th Cir. 2010). The good cause standard focuses on the diligence of the party seeking to  
6 amend the scheduling order and the reasons for seeking modification. *Johnson v. Mammoth*  
7 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (“[T]he focus of the inquiry is upon  
8 the moving party’s reasons for seeking modification. . . . If that party was not diligent, the  
9 inquiry should end.”) (internal citation omitted). Therefore, “a party demonstrates good  
10 cause by acting diligently to meet the original deadlines set forth by the court.” *Merck v.*  
11 *Swift Transp. Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at \*2 (D. Ariz. Sept.  
12 19, 2018).

13 Here, the parties have represented to the Court that Plaintiff has produced her  
14 medical and employment records, Defendant has responded to 3 sets of interrogatories and  
15 4 sets of requests for production, and they have completed depositions of Plaintiff,  
16 Plaintiff’s mother, and Defendant’s property manager. ECF No. 59 at 2–3. Five depositions  
17 are scheduled for the first two weeks of October, records from a third-party subpoena have  
18 yet to be produced, Plaintiff is in the midst of responding to requests for production, and  
19 the parties are working together to get two other depositions on calendar. *Id.* at 3–4. Both  
20 parties’ counsel have extensive discovery and trials in other matters. *Id.* at 4. Further,  
21 defense counsel is responsible for event planning for an upcoming 5-day ABTL seminar.  
22 *Id.* Thus, despite their diligent efforts, the parties have represented to the Court that they  
23 are unlikely to be able to complete all outstanding fact discovery by the October 22  
24 deadline in this case, and seek two to five week extensions of the fact discovery and expert  
25 discovery deadlines. *Id.* at 4–5.

26 The Court appreciates that the parties have been working together, commends the  
27 parties on their thorough motion, and finds that they have demonstrated diligence.  
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1 Therefore, the Court finds good cause to **GRANT** the joint motion. As such, the Court  
2 **ORDERS**<sup>1</sup> as follows:

3 1. The parties must disclose the identity of their respective experts in writing by  
4 **December 21, 2021**. The date for the disclosure of the identity of rebuttal experts must be  
5 on or before **January 11, 2022**. The written designations must include the name, address  
6 and telephone number of the expert and a reasonable summary of the testimony the expert  
7 is expected to provide. The list must also include the normal rates the expert charges for  
8 deposition and trial testimony. **The parties must identify any person who may be used  
9 at trial to present evidence pursuant to Fed. R. Evid. 702, 703 and 705, respectively.  
10 This requirement is not limited to retained experts.**

11 2. On or before **December 21, 2021**, each party must comply with the disclosure  
12 provisions in Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure. **This disclosure  
13 requirement applies to all persons retained or specifically employed to provide expert  
14 testimony or whose duties as an employee of the part regularly involve the giving of  
15 expert testimony.**

16 3. Any party shall supplement its disclosure regarding contradictory or rebuttal  
17 evidence under Fed. R. Civ. P. 26(a)(2)(c) by **January 11, 2022**.

18 4. **Please be advised that failure to comply with this section or any other  
19 discovery order of the court may result in the sanctions provided for in Fed. R. Civ.  
20 P. 37 including a prohibition on the introduction of experts or other designated  
21 matters in evidence.**

22 5. All fact discovery must be completed by all parties on or before  
23 **November 30, 2021**. All expert discovery must be completed by all parties on or before  
24 **February 11, 2022**. “Completed” means that all discovery under Rules 30-36 of the  
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27 <sup>1</sup> The remaining deadlines set forth in the Court’s original scheduling order remain in place.  
28 ECF No. 39 at ¶¶ 6–13; *see also* ECF No. 59 at ¶ 12. The Court repeats these unchanged  
deadlines for the parties’ convenience, so the entire updated schedule resides in one place.

1 Federal Rules of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated  
2 a sufficient period of time in advance of the cut-off date, **so that it may be completed** by  
3 the cut-off date, taking into account the times for service, notice and response as set forth  
4 in the Federal Rules of Civil Procedure. **Counsel shall promptly and in good faith meet**  
5 **and confer with regard to all discovery disputes in compliance with Local Rule**  
6 **26.1(a). A failure to comply in this regard will result in a waiver of a party's discovery**  
7 **issue. Absent an order of the court, no stipulation continuing or altering this**  
8 **requirement will be recognized by the court.** The Court expects counsel to make every  
9 effort to resolve all disputes without court intervention through the meet and confer  
10 process. If the parties reach an impasse on any discovery issue, the movant must e-mail  
11 chambers at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) no later than 45 days after the date of  
12 service of the written discovery response that is in dispute, seeking a telephonic conference  
13 with the Court to discuss the discovery dispute. The email must include: (1) at least three  
14 proposed times mutually agreed upon by the parties for the telephonic conference; (2) a  
15 neutral statement of the dispute; and (3) one sentence describing (not arguing) each parties'  
16 position. The movant must copy opposing counsel on the email. No discovery motion may  
17 be filed until the Court has conducted its pre-motion telephonic conference, unless the  
18 movant has obtained leave of Court. **All parties are ordered to read and to fully comply**  
19 **with the Chambers Rules of Magistrate Judge Allison H. Goddard.**

20 6. All other dispositive motions, *including those addressing Daubert issues*,  
21 must be filed on or before **March 4, 2022**. Please be advised that counsel for the moving  
22 party must obtain a motion hearing date from the law clerk of the judge who will hear the  
23 motion. Motions in Limine are to be filed as directed in the Local Rules, or as otherwise  
24 set by Judge Battaglia.

25 7. A Mandatory Settlement Conference will be conducted on **May 4, 2022** at  
26 **9:30 a.m.** in the chambers of **Magistrate Judge Allison H. Goddard**. Plaintiff must serve  
27 on Defendant a **written** settlement proposal, which must include a specific demand  
28 amount, no later than **April 13, 2022**. The defendant must respond to the plaintiff **in**

1 **writing** with a specific offer amount prior to the Meet and Confer discussion. The parties  
2 should not file or otherwise copy the Court on these exchanges. Rather, the parties must  
3 include their written settlement proposals in their respective Settlement Conference  
4 Statements to the Court. Counsel for the parties must meet and confer in person or by  
5 phone no later than **April 20, 2022**. Each party must prepare a Settlement Conference  
6 Statement, which will be served on opposing counsel and lodged with the Court no later  
7 than **April 26, 2022**. The Statement must be lodged in .pdf format via email to  
8 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). The substance of the Settlement Conference  
9 Statement must comply fully with Judge Goddard's Mandatory Settlement Conference  
10 Rules (located at  
11 [https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement%20Conference%20Rules.pdf)  
12 [ent%20Conference%20Rules.pdf](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement%20Conference%20Rules.pdf)). Each party may also prepare an **optional** Confidential  
13 Settlement Letter for the Court's review only, to be lodged with the Court no later than  
14 **April 26, 2022**. The Letter must be lodged in .pdf format via email to  
15 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). Should a party choose to prepare a Letter,  
16 the substance of the Settlement Conference Letter must comply fully with Judge Goddard's  
17 Mandatory Settlement Conference Rules. **All parties are ordered to read and to fully**  
18 **comply with the Chambers Rules and Mandatory Settlement Conference Rules of**  
19 **Magistrate Judge Allison H. Goddard.**

20 8. Counsel must comply with the pre-trial disclosure requirements of Fed. R.  
21 Civ. P. 26(a)(3) on or before **June 9, 2022**.

22 9. This order replaces the requirements under Civ. L. R. 16.1.f.6.c. No  
23 Memoranda of Law or Contentions of Fact are to be filed.

24 10. The parties must meet and confer on or before **June 16, 2022** and prepare a  
25 proposed pretrial order in the form as set forth in Civ. L. R. 16.1.f.6.

26 The Court encourages the parties to consult with the assigned magistrate judge to  
27 work out any problems in preparation of the proposed pretrial order. The court will  
28 entertain any questions concerning the conduct of the trial at the pretrial conference.

1 11. Objections to Pre-trial disclosures must be filed no later than **June 23, 2022**.

2 12. The Proposed Final Pretrial Conference Order as described above must be  
3 prepared, served and lodged with the assigned district judge on or before **June 30, 2022**.

4 13. The final Pretrial Conference is scheduled on the calendar of the **Honorable**  
5 **Anthony J. Battaglia** on **July 7, 2022** at **1:30 p.m.**

6 14. A post trial settlement conference before a magistrate judge may be held  
7 within 30 days of verdict in the case.

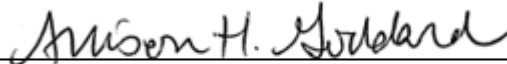
8 15. The dates and times set forth herein will not be modified except for good cause  
9 shown.

10 16. Dates and times for hearings on motions must be approved by the Court's clerk  
11 before notice of hearing is served.

12 17. Briefs or memoranda in support of or in opposition to any pending motion  
13 must not exceed twenty-five (25) pages in length without leave of a district judge. No reply  
14 memorandum will exceed ten (10) pages without leave of a district judge. Briefs and  
15 memoranda exceeding ten (10) pages in length must have a table of contents and a table of  
16 authorities cited.

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18 **IT IS SO ORDERED.**

19 Dated: October 1, 2021

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21 \_\_\_\_\_  
22 Honorable Allison H. Goddard  
23 United States Magistrate Judge  
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