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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CASSANDRA LACKMAN,
Plaintiff,
v.
BLAZIN WINGS, INC., et al.,
Defendants.

Case No.: 3:20-cv-1256-BEN-AHG

ORDER:

(1) GRANTING JOINT MOTION TO VACATE PRETRIAL DISCLOSURE DEADLINES AND FINAL PRETRIAL CONFERENCE; and

(2) SUA SPONTE RESETTING MANDATORY SETTLEMENT CONFERENCE TO TAKE PLACE IN PERSON

[ECF No. 50]

Before the Court is the parties' Joint Motion to Modify Pretrial Disclosure Deadlines and the Final Pretrial Conference. ECF No. 50. Both parties have filed summary judgment motions, each with a hearing date of September 20, 2021. ECF Nos. 45, 46. The pretrial conference in this matter is currently set for October 18, 2021, with other pretrial deadlines coming up in the preceding four weeks. ECF No. 15. In light of the pending cross-motions, the parties ask the Court to temporarily vacate the Pretrial Conference and

1 related upcoming pretrial deadlines, to be reset following a resolution of the pending cross-
2 motions for summary judgment and/or partial summary judgment. ECF No. 50.

3 Under Fed. R. Civ. P 16(b)(4), “[a] schedule may be modified only for good cause
4 and with the judge’s consent.” “Good cause” is a non-rigorous standard that has been
5 construed broadly across procedural and statutory contexts. *Ahanchian v. Xenon Pictures,*
6 *Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause standard focuses on the diligence
7 of the party seeking to amend the scheduling order and the reasons for seeking
8 modification. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).
9 “[T]he court may modify the schedule on a showing of good cause if it cannot reasonably
10 be met despite the diligence of the party seeking the extension.” Fed. R. Civ. P. 16, advisory
11 committee’s notes to 1983 amendment. Therefore, “a party demonstrates good cause by
12 acting diligently to meet the original deadlines set forth by the court.” *Merck v. Swift*
13 *Transportation Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at *2 (D. Ariz.
14 Sept. 19, 2018).

15 Here, the parties have diligently met the case schedule deadlines, but seek a
16 temporary vacatur of the remaining dates to prevent the wasteful expenditure of time and
17 resources on trial preparation for claims that may be resolved if either of the parties’ cross-
18 motions are granted, either in part or in full. Therefore, consistent with Federal Rule of Civil
19 Procedure 1, the Court finds good cause to **GRANT** the Joint Motion (ECF No. 50).
20 Accordingly, it is hereby **ORDERED**:

21 The Pretrial Conference and all related pre-trial deadlines are **VACATED**. Within
22 **three business days** of the Court’s ruling on the cross-motions for summary judgment, the
23 parties are **ORDERED** to meet and confer and to submit a joint motion to the Court
24 proposing new dates for the Final Pretrial Conference and all related pretrial deadlines.

25 Moreover, although the parties did not request that the upcoming Mandatory
26 Settlement Conference (“MSC”) be reset, the Court finds it prudent to hold the MSC after
27 the hearing date on the cross-motions. Accordingly, the MSC is hereby **RESET** from
28 September 13, 2021 to **October 5, 2021** at **2:00 p.m.** before the Honorable Allison H.

1 Goddard.

2 Although the MSC was previously set to take place by videoconference, the
3 rescheduled MSC will take place **in person**. At the appointed date and time, all attendees
4 should report to the chambers of Magistrate Judge Allison H. Goddard, located on the third
5 floor of the Edward J. Schwartz U.S. Courthouse, 221 West Broadway, Suite 3142, San
6 Diego, California 92101. Do not report to Courtroom 3B; report to Chambers. **The Court**
7 **will consider reverting the MSC to take place via videoconference if any party so**
8 **requests**. Requests to hold the MSC by videoconference should be lodged with the Court
9 at efile_goddard@casd.uscourts.gov no later than **September 27, 2021**, with all counsel of
10 record copied on the email. Counsel should meet and confer before making any such
11 request to the Court and, if both sides prefer that the conference take place virtually, the
12 parties should make the request jointly.

13 The parties are not required to submit updated Settlement Conference Statements or
14 Confidential Settlement Letters to the Court. The Court is in receipt of the previously
15 submitted statements. However, if any party wishes to submit an updated statement or
16 letter, counsel should lodge the statement or letter with the Court no later than
17 **September 27, 2021**.

18 **IT IS SO ORDERED.**

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20 Dated: September 9, 2021

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22 _____
23 Honorable Allison H. Goddard
24 United States Magistrate Judge
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