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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

STEPHEN SCHMIDT,

Plaintiff,

v.

AIR CALIFORNIA ADVENTURE, INC.,

Defendants.

Case No.: 3:20-cv-01294-MMA-AHG

**ORDER GRANTING JOINT
MOTION TO CONTINUE EARLY
NEUTRAL EVALUATION
CONFERENCE AND CASE
MANAGEMENT CONFERENCE**

[ECF No. 10]

1 This matter comes before the Court on the parties' Joint Motion to Continue the
2 Early Neutral Evaluation Conference ("ENE"). ECF No. 10.

3 Parties seeking to continue the ENE must demonstrate good cause. *See* ECF No. 5
4 at 6 ("An ENE may be rescheduled only upon a showing of good cause"); Chmb.R. at 2
5 (stating that any request for continuance requires "[a] showing of good cause for the
6 request"); *see also* Fed. R. Civ. P 16(b)(4) ("A schedule may be modified only for good
7 cause and with the judge's consent"). "Good cause" is a non-rigorous standard that has
8 been construed broadly across procedural and statutory contexts. *Ahanchian v. Xenon*
9 *Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause standard focuses on
10 the diligence of the party seeking to amend the scheduling order and the reasons for
11 seeking modification. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
12 Cir. 1992).

13 Here, the parties explain that defense counsel's son has tested positive for
14 COVID-19 and is symptomatic. ECF No. 10 at 2. As a result, defense counsel must self-
15 quarantine and is unable to meet with his clients. Moreover, counsel must care for his son
16 and has begun experiencing symptoms himself, hampering his ability to participate in the
17 upcoming ENE even remotely. *Id.*

18 Upon due consideration, the Court finds good cause to continue the ENE and Case
19 Management Conference ("CMC") and accordingly **GRANTS** the Motion. The Court
20 hereby **VACATES** the ENE and CMC set for September 11, 2020 and all related deadlines,
21 and **RESETS** the ENE and CMC for **September 28, 2020** at **2:00 PM**.

22 As before, the ENE and CMC will take place via **videoconference** using the Court's
23 official Zoom account. The parties are instructed to review the Court's prior Order setting
24 the ENE and CMC (ECF No. 5) for guidance on how to use Zoom. Additionally, the Court
25 **RESETS** the following deadlines related to the ENE and CMC:

26 (1) The parties' confidential ENE statements (*see* ECF No. 5 ¶ 3) are due no later
27 than **September 23, 2020**.

28 (2) The parties must email the Court all the information required by ¶ 5.E. of the

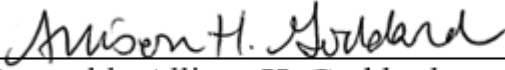
1 Court's prior order (ECF No. 5) no later than **September 23, 2020** at
2 efile_goddard@casd.uscourts.gov.

3 (3) The parties timely filed their Joint Case Management Statement on
4 August 31, 2020 (ECF No. 8) and are not required to submit a new one for
5 purposes of case scheduling during the CMC.

6 (4) All other requirements set forth in the Court's initial order setting the ENE and
7 CMC (e.g., attendance by parties with full settlement authority, requirements for
8 continuance requests, etc.) remain in place, except as explicitly modified herein.

9 **IT IS SO ORDERED.**

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11 Dated: September 8, 2020

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13 _____
14 Honorable Allison H. Goddard
15 United States Magistrate Judge
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