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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT S. CARLBORG,

Plaintiff,

v.

DEPARTMENT OF THE NAVY and
DEPARTMENT OF DEFENSE,

Defendants.

Case No.: 3:23-cv-02073-RBM-AHG

ORDER:

- (1) GRANTING IN PART JOINT MOTION FOR EXTENSION, and**
- (2) ISSUING FIRST AMENDED SCHEDULING ORDER**

[ECF No. 20]

Before the Court is the parties’ joint motion to continue the summary judgment briefing schedule. ECF No. 20. The parties seek an order from the Court extending the summary judgment filing deadlines by approximately five months. *Id.*

Parties seeking to continue deadlines in the scheduling order must demonstrate good cause. FED. R. CIV. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent”); *see also* ECF No. 19 at 2 (Scheduling Order, stating that “[t]he dates [] set forth herein will not be modified except for good cause shown”).

1 Courts have broad discretion in determining whether there is good cause. *See, e.g.,*
2 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992); *Liguori v.*
3 *Hansen*, No. 2:11cv492-GMN-CWH, 2012 WL 760747, at *12 (D. Nev. Mar. 6, 2012).
4 The good cause standard focuses on the diligence of the party seeking to amend the
5 scheduling order and the reasons for seeking modification. *Johnson*, 975 F.2d at 609
6 (“[T]he focus of the inquiry is upon the moving party’s reasons for seeking modification. .
7 . . If that party was not diligent, the inquiry should end.”) (internal citation omitted).

8 Here, the parties represent to the Court that Defendant “determined that some of the
9 releases to Plaintiff were likely overredacted, and that information that is not subject to
10 FOIA’s exemptions was withheld.” ECF No. 20 at 2; ECF No. 20-1 at 2–3. Thus,
11 Defendants’ counsel “recommended that the releases to Plaintiff be reevaluated by the
12 original releasing office(s) so that non-exempt segregable information can be provided to
13 the Plaintiff[,]” which will take additional time. ECF No. 20-1 at 2; ECF No. 20 at 2.
14 However, the Navy agency counsel has been impacted by staffing shortages and has
15 “multiple quickly approaching deadlines for [another case in the district] has prevented
16 him from completing the supporting materials for the FOIA MSJ in this case.” ECF No.
17 20-1 at 2. As such, the parties request a five-month extension of the summary judgment
18 briefing deadlines in this matter.

19 The Court appreciates that the parties have been working together diligently in this
20 case. However, the Court does not find good cause to grant the entire extension that the
21 parties seek. Upon due consideration, good cause appearing, the Court **GRANTS IN**
22 **PART** the parties’ joint motion and issues the following First Amended Scheduling Order:

23 1. Defendants must file their Motion for Summary Judgment by
24 **November 20, 2024.**

25 2. Plaintiff must file his Opposition to Defendants’ summary judgment motion
26 by **December 18, 2024.**

27 3. Defendants must file a Reply in support of their summary judgment motion
28 by **January 8, 2025.**

1 4. Upon review of the briefing, the Honorable Ruth Bermudez Montenegro will
2 either take the motion under submission without oral argument pursuant to Local Rule
3 7.1(d)(1), or will hold a hearing. If Judge Montenegro decides to hear oral argument, she
4 will issue a separate written order setting the date and time.

5 5. Briefs or memoranda in support of or in opposition to any pending motion
6 shall not exceed twenty-five (25) pages in length without leave of a district court judge.
7 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.
8 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents
9 and a table of authorities cited.

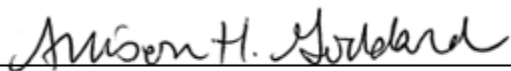
10 6. Pursuant to Local Rule 7.1(f)(3)(c), if an opposing party fails to file opposition
11 papers in the time and manner required by Local Rule 7.1(e)(2), that failure may constitute
12 a consent to the granting of a motion or other request for ruling by the Court. Accordingly,
13 all parties are ordered to abide by the terms of Local Rule 7.1(e)(2) or otherwise face the
14 prospect of any pretrial motion being granted as an unopposed motion pursuant to Local
15 Rule 7.1(f)(3)(c).

16 7. The parties must review the chambers' rules for the assigned district judge
17 and magistrate judge.

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

20 **IT IS SO ORDERED.**

21 Dated: July 12, 2024

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24 Honorable Allison H. Goddard
25 United States Magistrate Judge
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