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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 United Association National Pension Fund, et
al.,

10 Plaintiffs,

11 v.

12 Carvana Company, et al.,

13 Defendants.

14

No. CV-22-02126-PHX-MTL

ORDER

15 Before the Court is Lead Plaintiffs' Motion to Modify the Scheduling Order
16 (Doc. 217). The motion is fully briefed, and the Court heard oral argument on the motion.

17 **I. BACKGROUND**

18 This case arises out of alleged federal securities laws violations. (Doc. 71.) On
19 December 16, 2024, the Court granted in part and denied in part Defendants' motions to
20 dismiss. (Doc. 105.) Since the Court issued that order, the parties have litigated several
21 discovery disputes. The parties filed a joint discovery motion requesting clarification on
22 whether the Court's prior order narrowed the case's scope to only title and registration
23 issues. (Doc. 154.) Plaintiff also moved to compel Defendant Ernest Garcia II's disclosure
24 of information related to one of his affirmative defenses. (Doc. 155.) The Court granted
25 the motions because "broader discovery [was] pragmatic under the circumstances." (Doc.
26 173 at 4.) Defendants moved to compel disclosure of the identities of Plaintiffs'
27 confidential witnesses and the factual statements made by those confidential witnesses.
28 (Doc 171.) The Court ordered that Plaintiffs comply with an RFP. (Doc. 192.) The parties

1 filed another joint discovery motion, seeking the Court’s assistance in resolving a
 2 disagreement on whether Defendants are permitted to produce a modern version of email
 3 attachments and whether Defendants could sever email attachments to review them
 4 independently for relevance. (Doc. 177.) The Court ordered Defendants to produce
 5 attachment versions as close in time to the email communications as feasible. (Doc. 196.)
 6 The Court also assisted the parties in setting the relevant time period for discovery. (Docs.
 7 178, 196.) Plaintiffs moved to compel productions from additional custodians. (Doc. 202.)
 8 The Court granted the motion, ordering productions from seven additional custodians.
 9 (Doc. 212.) The Court ordered Defendants to substantially complete these productions by
 10 April 6, 2026. (Doc. 212.)

11 There are three pending discovery motions. The first motion explains that the parties
 12 have again reached an impasse regarding which version of email attachments Defendant
 13 should produce. (Doc. 214.) Plaintiffs’ two latest motions move the Court to compel the
 14 production of Carvana’s communications with the SEC and order Defendants’ compliance
 15 with an RFP. (Docs. 223, 224.)

16 The parties’ discovery disputes have now extended beyond the substantial
 17 completion deadline set for December 8, 2025. (Doc. 128 at 2.) The deadline for
 18 Defendants to produce documents from seven additional custodians is set for April 6, 2026.
 19 (Doc. 212.) The fact discovery cutoff is set on May 29, 2026. (Docs 128.) Plaintiffs move
 20 the Court to extend all pre-trial deadlines by four months. (Doc. 217.) Plaintiffs argue that
 21 their diligence justifies continuing the deadlines. (*Id.*) They contend that Defendants have
 22 intentionally stalled discovery. (*Id.*)

23 **II. LEGAL STANDARD**

24 “The decision to modify a scheduling order is within the broad discretion of the
 25 district court.” *FMC Corp. v. Vendo Co.*, 196 F. Supp. 2d 1023, 1030 (E.D. Cal. 2002). “A
 26 schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ.
 27 P. 16(b)(4). Good cause for modification exists only when existing deadlines “cannot
 28 reasonably be met despite the diligence of the party seeking the extension.” *Long v. Ford*

1 *Motor Co.*, 2009 WL 903404, at *2 (D. Ariz. Apr. 1, 2009) (citation omitted). “[T]he
2 existence or degree of prejudice to the party opposing the modification might supply
3 additional reasons to deny a motion” to modify a scheduling order. *Johnson v. Mammoth*
4 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The standard reflects that “[d]isregard
5 of the [scheduling] order would undermine the court’s ability to control its docket, disrupt
6 the agreed-upon course of litigation, and reward the indolent and the cavalier.” *Id.* at 610.
7 That is why the presiding judge admonished the parties that “barring some act of nature or
8 your expert dies a week before the deposition and you’re scrambling, I’m probably going
9 to keep these deadlines and hold you to them.” (Doc. 129 at 25:13-16.)

10 **III. DISCUSSION**

11 The Court will not rehash discovery disputes that have already been officiated. The
12 issue here is what impact Defendants’ upcoming production from additional custodians
13 should have on the Scheduling Order. Magistrate Judge Boyle expected that the production
14 would “be targeted to a smaller quantity of individuals who may possess fewer files and
15 documents to review.” (Doc. 212.) At oral argument, Defendants affirmed that the
16 production could be complete by late February 2026 and that it was their understanding
17 that the production would be on a rolling basis.

18 The Court finds that Plaintiffs have pursued discovery diligently enough to justify
19 an extension of the pretrial deadlines in this case. Since the Scheduling Conference,
20 Plaintiffs have pursued discovery by serving written discovery requests and litigating
21 discovery disputes. *Entangled Media, LLC v. Dropbox, Inc.*, 348 F.R.D. 649, 654 (N.D.
22 Cal. 2025). The Court therefore finds that there is good cause to modify the Scheduling
23 Order (Doc. 128).

24 The Court will accelerate the April 6, 2026, deadline for the ordered production set
25 by Magistrate Judge Boyle to February 27, 2026. That is 81 days past the current deadline
26 for substantial completion of discovery. All pretrial deadlines will be extended by
27 approximately 81 days to afford Plaintiff the opportunity to digest the production.

28 The Court has a duty to administer the case to prevent undue delay and expense. *See*

1 *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016). In granting this extension, the Court is not setting
2 the precedent that it will continue to prolong the entirety of this case every time that the
3 parties reach an impasse in discovery. The Court reaffirms this point: “[t]he parties are
4 strongly encouraged to resolve discovery disputes mutually and without expending judicial
5 resources.” (Doc. 128 at 5.) The parties’ inability to resolve discovery disputes without the
6 involvement of the Court is not a justification for perpetuating this case indefinitely.

7 **IV. CONCLUSION**

8 **IT IS THEREFORE ORDERED** that Lead Plaintiffs’ Motion to Modify the
9 Scheduling Order (Doc. 217) is **GRANTED IN PART**.

10 **IT IS FURTHER ORDERED** that the April 6, 2026, deadline set by Magistrate
11 Judge Boyle for Defendants to provide responsive discovery to Plaintiffs’ request is
12 advanced to **February 27, 2026**.

13 **IT IS FURTHER ORDERED** that the Court’s Scheduling Order (Doc. 128) is
14 modified as follows:

15 1. The deadline to substantially complete document productions in
16 response to the Parties’ first request for the production of documents is **February 27, 2026**.

17 2. The deadline for the completion of fact discovery is **August 18, 2026**.

18 3. The deadline to serve all final interrogatories, requests for production
19 of documents, and requests for admission is **July 7, 2026**.

20 4. The deadline to identify the names of testifying experts who will
21 provide affirmative expert reports, as well as to provide short descriptions of the issues on
22 which such experts are expected to provide testimony, is **August 21, 2026**.

23 5. The deadline for affirmative expert reports to be fully and completely
24 disclosed is **September 11, 2026**.

25 6. The deadline to identify the names of testifying experts who will
26 provide responsive expert reports, as well as to provide short descriptions of the issues on
27 which such experts are expected to provide testimony, is **September 14, 2026**.

28 7. The deadline for responsive expert reports to be fully and completely

disclosed is **October 12, 2026**.

8. The deadline to disclose all rebuttal expert reports is **November 16, 2026**.

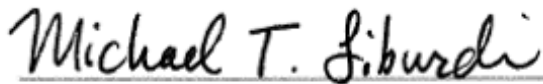
9. The deadline to complete expert depositions is **December 14, 2026**.

10. The deadline to file a motion for class certification is **April 6, 2026**.
The deadline for Defendants to file an opposition to the class certification is **May 18, 2026**.
The deadline for Plaintiffs to file a reply in support of their motion for class certification is **June 22, 2026**.

11. The deadline to file dispositive motions and motions challenging expert opinion testimony shall be filed no later than **January 25, 2027**. The deadline to file oppositions to dispositive motions is **April 12, 2027**. The deadline to file replies in support of dispositive motions is **May 31, 2027**.

IT IS FINALLY ORDERED that the Scheduling Order (Doc. 128) is reaffirmed in all other respects.

Dated this 23rd day of December, 2025.



Michael T. Liburdi
United States District Judge