
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00734-FWS-ADS

Date: January 28, 2026

Title: Jasibel Canchola *et al.* v. Allstate Insurance Company

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING PLAINTIFFS’ MOTION TO ALLOW ABSENT CLASS MEMBERS ADDITIONAL TIME TO PRODUCE EXPENSE DOCUMENTS [329]

In this class action, Plaintiff Jasibel Canchola, Plaintiff Carlos Ochoa, Plaintiff Richard Curtis, and Plaintiff Robert Souza (collectively, “Plaintiffs”) allege claims against Defendant Allstate Insurance Company for violation of California Labor Code § 2802. (*See generally* Dkt. 41 (First Amended Complaint) ¶¶ 104-07.) Before the court is Plaintiffs’ Motion to Allow Absent Class Members Additional Time to Produce Expense Documents. (Dkt. 329 (“Motion” or “Mot.”).) Defendant opposes the Motion. (*See* Dkt. 331 (“Opposition” or “Opp.”).) Plaintiffs filed a reply in support of the Motion. (Dkt. 337 (“Reply”).) The court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. L.R. 7-15 (authorizing courts to “dispense with oral argument on any motion except where an oral hearing is required by statute”). Accordingly, the hearing set for February 5, 2026, (*see* Dkt. 334), is **VACATED** and off calendar. Based on the state of the record, as applied to the applicable law, the Motion is **GRANTED**.

I. Background

In June 2025, Defendant filed before Magistrate Judge Autumn D. Spaeth a Motion for Leave to Take Discovery of Class Members, seeking leave (1) to depose up to 30 absent class members and serve 14 corresponding document requests, and (2) to serve four document requests on all absent class members. (Dkt. 225 (“Motion for Leave”) at 3.) The Motion for

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Leave was supported by a Joint Stipulation. (Dkt. 225-1.) Magistrate Judge Spaeth granted in part and denied in part the Motion for Leave. (Dkt. 243 (“Magistrate Judge Spaeth’s Order”).) First, Magistrate Judge Spaeth found that Defendant failed to sufficiently demonstrate leave to depose up to 30 absent class members and serve 14 corresponding document requests was necessary. (*Id.* at 3-6.) Second, Magistrate Judge Spaeth found that Defendant’s four document requests sought more documents than necessary and that any expense-related document request needed to be narrower. (*Id.* at 6-8.) Accordingly, Magistrate Judge Spaeth denied Defendant’s discovery requests but permitted Defendant to serve an expense-related document request. (*Id.* at 3-8.) On October 6, 2025, the court denied the parties’ motions for review of Magistrate Judge Spaeth’s Order. (Dkt. 287.)

In the Motion, Plaintiffs request the court continue the non-expert discovery cut-off to allow absent class members (“Class Members”) additional time to produce expense-related documents to February 27, 2026. (Mot. at 6.)

II. Legal Standard

Here, Plaintiffs seek to modify the Scheduling Order. (*See generally* Mot.) Accordingly, the court concludes that Rule 16(b)(4) provides the applicable legal standard. *See* Fed. R. Civ. P. 16(b)(4). Federal Rule of Civil Procedure 16(b)(4) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4); *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013) (stating scheduling orders may be modified under Rule 16(b) upon a showing of “good cause,” which principally turns on the diligence of the movant seeking the extension); *Mediterranean Enters., Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (“The trial court possesses the inherent power to control its own docket and calendar.”). “The ‘good cause’ standard primarily considers the diligence of the party seeking the amendment. Carelessness is not compatible with a finding of diligence and offers no reason to grant relief.” *Best Label Co., LLC v. Custom Label & Decal, LLC*, 2021 WL 5415260, at *2 (N.D. Cal. Nov. 19, 2021) (quoting *Hannon v. Chater*, 887 F. Supp. 1303, 1319 (N.D. Cal. 1995)); *see also Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir. 1992).

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III. Analysis

In the Motion, Plaintiffs argue that Plaintiffs have been diligent in collecting and producing expense-related documents from Class Members. (Mot. at 6.) The parties dispute whether Plaintiffs adequately demonstrate good cause to grant the requested continuance. (*Id.* at 14-16; Opp. at 7-10.) Defendant also argues that an extension of the other deadlines in the scheduling order is necessary to avoid prejudice against Defendant if the court grants the Motion. (Opp. at 10-11.) “Plaintiffs are agreeable to an adjustment of the pretrial and trial schedule as outlined in [Defendant]’s [O]pposition should the [c]ourt find such adjustment appropriate.” (Reply at 21-22.)

The court finds that Plaintiffs adequately demonstrate good cause to grant the continuance requested in the Motion for three reasons. First, Plaintiffs’ counsel states that the process of setting up a system to collect class-wide documents began before October 6, 2025, the day the court denied motions to review Magistrate Judge Spaeth’s Order. (Dkt. 329-2 (Declaration of Erin K. Dickinson, “Dickinson Decl.”) ¶ 7.) Plaintiffs then retained A.B. Data, a vendor experienced in class action claim administration, to assist with a potential collection of documents. (*Id.*) This collection process is detailed in the declaration of Eric Nordskog, Client Services Director of A.B. Data, who has served as the class administrator in this matter. (*Id.*; Dkt. 329-4 (Declaration of Eric Nordskog) ¶¶ 1-2.) According to Nordskog, “A.B. Data has collectively spent over 350 hours designing the secure portal, processing documentation from Class Members and performing outreach to deficient submissions.” (*Id.* ¶ 5.) At the time of Nordskog’s declaration, “A.B. Data ha[d] sent or received 141 unique emails from Class Members regarding the submission process and follow up with Class Members with deficient documentation. Additionally, A.B. Data ha[d] processed 138 phone calls attempting to resolve deficiencies or answer questions from Class Members regarding the required documentation.” (*Id.*) Second, it appears that Plaintiffs have been operating under a shorter time frame than usual. “In A.B. Data’s experience with document collection and claims processing, administrators are generally afforded six to nine months to contact and collect documents for potential class members.” (*Id.* ¶ 8.) Approximately five months have passed since Magistrate Judge Spaeth’s Order permitting Defendant to serve an expense-related document request. (*See* Dkt. 243.) Third, Plaintiffs have spent considerable resources on the expense-related document discovery and still require more time. For example, Plaintiffs state that they spent over 1,000

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hours of attorney and paralegal time and engaged A.B. Data with numerous employees dedicated to this project. (Dickinson Decl. ¶ 9.) According to Plaintiffs, Class Members have indicated that they need more time to produce expense related documents and Plaintiffs have been unsuccessful in receiving responses from hundreds of Class Members. (*Id.* ¶ 10.) Furthermore, Plaintiffs’ Counsel states that many of the currently produced documents are only partial productions and follow-up is necessary. (*Id.* ¶ 11.) For these reasons, the court finds that Plaintiffs adequately demonstrate good cause to grant the continuance requested. *See* Fed. R. Civ. P. 16(b)(4); *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d at 737; *Mediterranean*, 708 F.2d at 1465. However, the court notes that the court is disinclined to grant further continuances as Plaintiffs have requested and the court has now granted two extensions, on top of the parties’ stipulated extensions. (*See* Dkt. 309.) The court further finds that additional extensions of deadlines in the scheduling order are warranted to provide sufficient time for the parties to prepare their experts and dispositive motions with the newly produced expense-related documents. These extensions will mitigate the prejudice Defendant asserts that Defendant will suffer if the court grants the continuance request. (Opp. at 11.) Accordingly, the Motion is **GRANTED**. The court will extend the non-expert discovery cutoff to and including February 27, 2026, for Plaintiffs to produce Class Member expense-related documents.

IV. Disposition

For the reasons stated above, the court **GRANTS** the Motion. The court **ORDERS** the court’s January 16, 2026, Order Granting Joint Stipulation re Subpoena to Accenture LLP, (Dkt. 333), **MODIFIED** to read as follows (with changes indicated by italics):¹

¹ This Order is now the Operative Scheduling Order in this case. Also, to the extent this Order does not encompass a request by the parties, the court, based on the state of the record, as applied to the applicable law, and within its discretion, has denied and/or modified that request, or has added an event. *See Mediterranean*, 708 F.2d at 1465 (“The trial court possesses the inherent power to control its own docket and calendar.”).

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EVENT	DATE
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Tuesday at 8:00 a.m.	First Day: 9/15/2026
Parties’ Estimated Trial Length	<u>14-21</u> days
Final Pretrial Conference & Hearing on Motions in Limine [Thursday at 8:30 a.m., at least 19 days before trial]	8/20/2026
Last Date to File Motion for Class Certification	6/20/2024
Last Date to File Opposition to Motion for Class Certification	8/22/2024
Last Date to File Reply in Support of Motion for Class Certification	9/19/2024
In-Person Hearing on Motion for Class Certification [Thursday at 10:00 a.m.]	10/31/2024
Last Date to Hear Motion to Amend Pleadings /Add Parties [Thursday]	3/14/2024
Non-Expert Discovery Cut-Off	1/5/2026²

² First, the non-expert discovery cutoff deadline is extended to and including February 4, 2026, as it relates to the deposition of Troy Hawkes. As the parties agreed, “[a]ny motion to compel relating to the deposition of Troy Hawkes shall be limited to a motion to compel testimony under Fed. R. Civ. P. 37 or to compel documents referenced in the deposition that have not already been produced and shall be filed, if at all, within 14 days after the conclusion of the deposition.” (Dkt. 327 at 3.) Neither party may seek an extension of the non-expert discovery cutoff deadline based on Mr. Hawkes’s deposition. (*Id.*) Second, the non-expert discovery cutoff deadline is extended to and including January 16, 2026, as it relates to Accenture LLP

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(no later than deadline for filing dispositive motions)	
Expert Disclosure (Initial)	4/1/2026
Expert Disclosure (Rebuttal)	4/20/2026
Expert Discovery Cut-Off	5/4/2026
Last Date to Hear Motions [Thursday] <ul style="list-style-type: none"> • Motion for Summary Judgment (“MSJ”) due at least 9 weeks before hearing • Opposition to MSJ due 4 weeks after MSJ is filed • Reply in Support of MSJ due 2 weeks after Opposition is filed • All other motions due at least 4 weeks before hearing 	6/25/2026
Deadline to Complete Settlement Conference [L.R. 16-15] Select one: <input type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court’s Mediation Panel <input checked="" type="checkbox"/> 3. Private Mediation	7/16/2026
Trial Filings (first round) <ul style="list-style-type: none"> • Motions in Limine with Proposed Orders • <i>Daubert</i> Motions with Proposed Orders³ • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] 	7/30/2026

responding to the subpoena Plaintiffs issued on December 16, 2025. *Third, the non-expert discovery cutoff deadline is extended to and including February 27, 2026, for Plaintiffs to produce Class Member expense-related documents.*

³ *Daubert* motions and oppositions to *Daubert* motions shall not exceed ten (10) pages in length.

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<ul style="list-style-type: none"> • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations containing Direct Testimony, if ordered (bench trial only) • Affirmative Deposition Designation(s) 	
<p>Trial Filings (second round)</p> <ul style="list-style-type: none"> • Oppositions to Motions in Limine • Oppositions to <i>Daubert</i> Motions⁴ • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint/Agreed Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed Additional Voir Dire Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only) • Objections and Counter Deposition Designation(s) 	<p>8/6/2026</p>
<ul style="list-style-type: none"> • Objections to Counter Designation(s) and Counter-Counter Deposition Designation(s) 	<p>8/13/2026</p>

⁴ Pursuant to this court’s order on pretrial and trial procedures, the parties shall not file replies to the motions in limine. (*See* Dkt. 33 at 4 (“Unless the court determines otherwise, counsel shall not file any replies.”).) In addition, unless the court determines otherwise, the parties shall not file replies to any *Daubert* motions.