



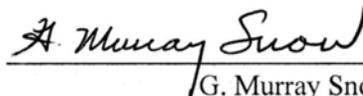
1 Case Management Order. They merely move to amend their complaint. They further argue  
2 that the motion for leave to amend is within the time authorized for such motions. This  
3 statement is incorrect. As *Johnson* sets forth “[a] Court’s evaluation of good cause is not  
4 coextensive with an inquiry into the propriety of the amendment under . . . Rule 15.” *Id.* at  
5 609 (quoting *Forstmann v. Culp*, 114 F.R.D. 83, 85 (M.D.N.C. 1987)). As *Johnson* further  
6 sets forth,

7  
8 Unlike Rule 15(a)’s liberal amendment policy which focuses on  
9 the bad faith of the party seeking to interpose an amendment and  
10 the prejudice to the opposing party, Rule 16(b)’s ‘good cause’  
11 standard primarily considers the diligence of the party seeking  
12 the amendment. [A] district court may modify the pretrial  
13 schedule ‘if it cannot reasonably be met despite the diligence of  
14 the party seeking the extension.’

15 Because Plaintiffs’ motion completely fails to attempt to establish the diligence of Plaintiffs  
16 in seeking the amendment to the complaint. Therefore the motion is denied.

17 **IT IS HEREBY ORDERED** denying the Motion for Leave to File Second Amended  
18 Complaint (Doc. 72).

19 DATED this 19th day of October, 2011.

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G. Murray Snow  
United States District Judge