



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL** 'O'

Case No.	2:13-cv-09384-CAS(JEMx)	Date	September 5, 2014
Title	FERNANDO LAVIN ET AL. V. UNITED TECHNOLOGIES CORPORATION ET AL.		

terminated in retaliation for conducting a joint campaign to promote an improvement in Goodrich/UTC's production processes. *Id.* (Lavin) ¶ 28; *id.* (Sandoval) ¶ 23.<sup>2</sup> Plaintiffs also allege that their terminations were the result of their requests for medical and personal leave, as well as their contentious relationship with a Goodrich/UTC supervisor, defendant Zanutto. *See e.g., id.* (Lavin) ¶¶ 35-36, 55; *id.* (Sandoval) ¶¶ 29, 44.

On June 19, 2014, defendants filed a motion to sever the cases of plaintiffs Lavin and German pursuant to Federal Rule of Civil Procedure 21, or in the alternative, to have plaintiffs' claims tried separately pursuant to Rules 20(b) and 42(b). Dkt. #17. The Court denied defendants' motion without prejudice to renewal at the pretrial conference. Dkt. #24.

On August 9, 2014, plaintiffs lodged the instant motion for leave to file a first amended complaint ("FAC") and to modify the court's scheduling order to extend the last day to file amended pleadings. Dkt. #25. Specifically, plaintiffs seek to remove plaintiff German's disability discrimination claim, and to add factual allegations to plaintiff Lavin's disability discrimination claim. *Id.* Plaintiffs also request that the Court change the last day to file amended pleadings from July 1, 2014 to October 1, 2014. *Id.* Defendants opposed this motion on August 18, 2014, dkt. # 26, and plaintiffs replied on August 24, 2014, dkt. #28. After considering the parties' arguments, the Court finds and concludes as follows.

## **II. LEGAL STANDARD**

As a preliminary matter, the Court must decide whether Federal Rule of Civil Procedure 15(a) or 16(b) applies. Generally, a court grants a motion for leave to amend pleadings pursuant to the permissive standard of Rule 15(a). *Martinez v. Newport Beach*

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<sup>2</sup> The complaint's paragraphs are not consecutively numbered. Rather, the complaint is divided into three sections, the first containing allegations pertaining to both plaintiffs, the second containing allegations pertaining to Lavin, and the third containing allegations pertaining to Sandoval. Thus, the Court cites the section of the complaint pertaining to Lavin as "Compl. (Lavin)" and the section pertaining to Sandoval as "Compl. (Sandoval)." The first section of the complaint is cited simply as "Compl."









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**IV. CONCLUSION**

In accordance with the foregoing, the Court GRANTS plaintiffs' motion to amend the scheduling order and to file a first amended complaint. The last date to file amended pleadings in this case now shall be **October 1, 2014**. All other dates shall remain unchanged.

IT IS SO ORDERED.

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Initials of Preparer CMJ  
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