

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

FAIR HOUSING COUNCIL OF	)	12-cv-794 AWI-GSA
CENTRAL CALIFORNIA INC.; RENE	)	
McCANTS, and TAWANA PICKETT,	)	
	)	
Plaintiffs,	)	ORDER GRANTING PLAINTIFF’S MOTION
v.	)	TO FILE A SUPPLEMENTAL COMPLAINT
	)	
TYLAR PROPERTY MANAGEMENT	)	
COMPANY, INC; MELVIN JOEL	)	(Document 30)
WAPNER; AND DAVID EVANS,	)	
	)	
Defendants.	)	

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**INTRODUCTION**

On October 2, 2012, Plaintiffs, Fair Housing Council of Central California Inc., Rene McCants, and Tawana Pickett, (“Plaintiffs”) filed a Motion for Leave to File A Supplemental Complaint adding claims for Rescission. On November 13, 2012, Defendants Tylar Management Company Inc., Melvin Joel Wapner, and David Evans filed a non-opposition to the motion. In light of the filing of the non-opposition, the court has determined that this matter is suitable for decision without oral argument pursuant to Local Rule 230(c). Having considered all written materials submitted, Plaintiff’s motion is GRANTED. The hearing scheduled for November 30, 2012, at 9:30 is VACATED.

**DISCUSSION**

Supplemental pleadings can be filed only with leave of the Court on just terms and may be permitted in order to set out any transaction, occurrence, or event that happened after the date

1 of the initial pleading. Fed. R. Civ. P. 15(d); Eid v. Alaska Airlines, Inc., 621 F. 3d 858 (9<sup>th</sup> Cir.  
2 2010). Moreover, the Court may order that the opposing party plead to the supplemental  
3 pleading within a specified time. Fed. R. Civ. P. 15(d). Resolution of motions to file  
4 supplemental pleadings are a matter of the trial court's discretion. Keith v. Volpe, 858 F. 2d 467,  
5 273 (9<sup>th</sup> Cir. 1988). The rule is a tool of judicial economy and its use is favored. Id.

6 Here, Plaintiffs seek to add new allegations and causes of action relating to events  
7 occurring after the filing the complaint. Specifically, Plaintiffs assert a new cause of action for  
8 rescission of settlement agreements based on Defendants alleged improper conduct during the  
9 course of securing of securing these agreements. Given these facts, the Court finds that the filing  
10 of the supplemental pleading is just. Moreover, Defendants have filed a non-opposition to the  
11 motion.

#### 12 CONCLUSION

13 Accordingly, the following IS HEREBY ORDERED:

- 14 1) The Supplemental Complaint is deemed filed as of the date of this order;  
15 2) The Clerk of the Court shall file the Supplemental Complaint as a separate entry  
16 in the docket for purposes of clarifying the record (Doc. 30-2); and  
17 3) Defendants' Answers are due 21 days after the date of this order.

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19 IT IS SO ORDERED.

20 **Dated: November 27, 2012**

/s/ Gary S. Austin  
21 UNITED STATES MAGISTRATE JUDGE  
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