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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 LETITIA TUGGLE, et al.,

11 Plaintiffs,

12 v.

13 CITY OF TULARE, et al.,

14 Defendants.

Case No. 1:19-cv-01525-NONE-SAB

ORDER REQUIRING PLAINTIFF ROSA
CUEVAS TO SUPPLEMENT
STIPULATION TO AMEND IN
COMPLIANCE WITH SCHEDULING
ORDER AND RULES OF PROCEDURE

(ECF No. 46)

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16 On July 15, 2021, the parties filed a stipulation allowing for Plaintiff Rosa Cuevas
17 (“Cuevas”) to file a second amended complaint. (ECF No. 46.)

18 Pursuant to the scheduling order issued in this action on September 9, 2020, any motion
19 or stipulation requesting to file an amended complaint was to be filed no later than November 3,
20 2020. (ECF No. 21 at 2.) The scheduling order specifically advised the parties that “stipulations
21 requesting leave to amend the pleadings does not reflect on the propriety of the amendment or
22 imply good cause to modify the existing schedule, if necessary.” (*Id.*) The scheduling order
23 further requires all proposed amendments to be supported by good cause under Fed. R. Civ. P.
24 16(b) if the amendment requires modification to the existing schedule, Johnson v. Mammoth
25 Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992), and establish under Fed. R. Civ. P. 15(a)
26 that such amendment is not: (1) prejudicial to the opposing party, (2) the product of undue delay,
27 (3) proposed in bad faith, or (4) futile, Foman v. Davis, 371 U.S. 178, 182 (1962). (ECF No. 21
28 at 2.)

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The filed stipulation does not present any reason for the timing of the stipulated request to amend, and thus the Court is unable to find the required good cause to modify the scheduling order under Rule 16(b). Plaintiff Cuevas shall file a supplement to the stipulation briefly explaining why good cause exists to modify the scheduling order. While the fact that all parties have stipulated likely obviates any need to specifically address the liberal Rule 15(a) standards in great detail, Plaintiff Cuevas shall briefly address the factors, and shall specifically provide information relating to why the stipulation states only Plaintiff Cuevas will be filing the second amended complaint, and not the other plaintiffs in this action.

Accordingly, IT IS HEREBY ORDERED that Plaintiff Cuevas shall file a supplement to the stipulation addressing Rule 15(a) and Rule 16(b), within five (5) days of entry of this order.

IT IS SO ORDERED.

Dated: July 16, 2021



UNITED STATES MAGISTRATE JUDGE