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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICARDO VASQUEZ, et al.,

Plaintiffs,

v.

COUNTY OF STANISLAUS,

Defendant.

Case No. 1:19-cv-01610-AWI-SAB

ORDER RE STIPULATION GRANTING
PLAINTIFFS LEAVE TO FILE AMENDED
COMPLAINT

ORDER DENYING PLAINTIFFS' MOTION
FOR LEAVE TO FILE AN AMENDED
COMPLAINT AS MOOT

(ECF Nos. 15, 21)

TWO DAY DEADLINE

On November 13, 2019, Plaintiffs Ricardo Vasquez, and R.V., a minor by and through his guardian ad litem Jessica Santos (“Plaintiffs”), filed this action. (ECF No. 1.) On April 15, 2020, the Court issued a scheduling order setting a deadline of July 13, 2020, to file stipulations or motions requesting leave to amend the pleadings. (ECF No. 13.) Following the expiration of the July 13, 2020 deadline, Defendant declined to join in a stipulation granting Plaintiffs leave to file an amended complaint, and on July 31, 2020, Plaintiffs filed a motion for leave to file an amended complaint. (ECF No. 15.) On September 2, 2020, the Court held a hearing on Plaintiffs’ motion. (ECF No. 19.) At the hearing, the Court voiced concerns regarding whether Plaintiffs had demonstrated good cause to modify the scheduling order and ordered supplemental declarations to be filed. (Id.) The Court also informed the parties that if good cause was shown

1 by Plaintiff's supplemental declaration, the parties could consider submitting a stipulation to
2 grant Plaintiffs leave to file an amended complaint rather than Defendant submitting a
3 supplemental declaration in opposition.

4 On September 9, 2020, prior to the deadline for Defendant to submit a supplemental
5 declaration, the parties submitted a stipulation agreeing that good cause exists to grant Plaintiffs
6 leave to file a first amended complaint. (ECF No. 21.) Specifically, the stipulation recognizes
7 that on or about March 28, 2020, Plaintiffs' counsel's former law office closed their offices to
8 physical access due to the COVID-19 public health emergency and began shifting cases to
9 electronic format for remote work, with limited staff processing emails. (Id.) Initial disclosures
10 were served on April 7, 2020, that contained information relevant to the proposed amended
11 pleading, but Plaintiffs' counsel did not read the incident report on receipt. (Id.) On or about
12 June 11, 2020, Plaintiffs' counsel separated from the former law firm, and in late June and/or
13 early July of 2020, Plaintiffs' counsel began receiving hard and electronic case files from the
14 former law firm, began transitioning the files into new legal software, and began reviewing
15 filings and disclosures. (Id.) On or about July 24, 2020, after the expiration of the deadline to
16 amend pleadings, Plaintiffs' counsel reviewed the incident report and realized that an additional
17 deputy needed to be added as a defendant. (Id.) Based on these circumstances, the parties agree
18 good cause exists to grant Plaintiffs leave to file a first amended complaint to name Deputy Chad
19 Lewis as an additional defendant. (Id.) Based on the parties' stipulated agreement, the Court
20 finds good cause exists to modify the scheduling order and to grant leave for Plaintiffs to file an
21 amended complaint.

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