

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHARIDAN STILES and STILES 4 U,
INC.,

Plaintiffs,

v.

WALMART, INC. and AMERICAN
INTERNATIONAL INDUSTRIES, INC.,

Defendants.

No. 2:14-cv-02234-MCE-DMC

ORDER

On June 28, 2019, Plaintiffs Sharidan Stiles and Stiles 4 U, Inc. (collectively, “Plaintiffs”) filed a Motion for Leave to Add Defendants, ECF No. 232, which the Court construes as a motion for leave to amend their fourth amended complaint. While Plaintiffs’ Motion relies upon the provisions of Federal Rule of Civil Procedure 15(a), once a district court has filed a pretrial scheduling order (“PTSO”) pursuant to Federal Rule of Civil Procedure 16,¹ that Rule’s standards control. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607-08 (9th Cir. 1992).

“Unlike Rule 15(a)’s liberal amendment policy which focuses on the bad faith of the party seeking to interpose an amendment and the prejudice to the opposing party,

¹ Unless otherwise stated, all references to “Rule” or “Rules” refer to the Federal Rules of Civil Procedure.

1 Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking
2 the amendment." Johnson, 975 F.2d at 609. Here, a PTSO was issued in this matter on
3 May 20, 2016. ECF No. 54. Consequently, in analyzing the propriety of the proposed
4 amendment, as the language of the PTSO itself suggests, the Court must look to
5 whether the requisite good cause has been established. Plaintiffs fail to address Rule
6 16(b)'s good cause requirement or how they were diligent in seeking leave to amend.
7 Therefore, Plaintiffs' Motion for Leave to Add Defendants, ECF No. 232, is DENIED
8 without prejudice and Defendants' request to file a sur-reply, ECF No. 262, is DENIED
9 as moot.²

10 IT IS SO ORDERED.

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12 DATED: November 19, 2019

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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² Because oral argument will not be of material assistance, the Court ordered this matter submitted on the briefs pursuant to Local Rule 230(g).