

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FOAD ALOWDI,

Plaintiff,

No. C 09-01258 WHA

v.

ABLE BUILDING SERVICES d/b/a ABM,
MANILO GARCIA, and ROBERT
ESQUADA,

Defendants.

**ORDER DENYING AMENDMENT
TO CASE MANAGEMENT ORDER**

Pursuant to the case management order entered in this matter, the deadline to amend the pleadings was September 30, 2009. That deadline is now long since passed and trial is scheduled to begin on July 12, 2010. Now the parties have stipulated to seek leave to amend the case management order to permit plaintiff to file a fourth amended complaint. They also seek to adjust the trial date and other pretrial deadlines. This would be a disruption to the orderly scheduling of the case. Rule 16(b)(4) provides that leave to amend following entry of the case management order may be granted only upon a showing of "good cause" for the delay and with the judge's consent. This good cause standard "primarily considers the diligence of the party seeking the amendment." *Coleman v. Quaker Oats*, 232 F.3d 1271, 1294 (9th Cir. 2000). The parties' stipulation does not provide a reason that the amendment should be

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allowed except for the agreement of the parties. This is insufficient. Lack of good cause shown, the request to amend is **DENIED** without prejudice to trying again.

IT IS SO ORDERED.

Dated: February 16, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE