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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE THIEME,
Plaintiff,
v.
DIANE M. COBB, et al.,
Defendants.

Case No. [13-cv-03827-MEJ](#)

**FURTHER CASE MANAGEMENT
ORDER**

CYNTHIA CHENAULT,
Plaintiff,
v.
DIANE M. COBB, et al.,
Defendants.

Case No. [13-cv-03828-MEJ](#)

LEWIS HAYNES,
Plaintiff,
v.
DIANE E. COBB, et al.,
Defendants.

Case No. [15-cv-02455-MEJ](#)

Having reviewed the parties' March 24, 2016 Joint Case Management Statement, it seems prudent to resolve any anticipated motions to amend and/or consolidate prior to considering dispositive motions and setting this matter for trial. Accordingly, the Court ORDERS as follows:

- 1) Plaintiffs shall file any motion to amend and/or motion to consolidate by May 5, 2016. Plaintiffs are advised that the Court considers five factors in determining whether to grant leave to amend: "(1) bad faith, (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment; and (5) whether plaintiff has previously amended his complaint." *In re W. States*

1 *Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 738 (9th Cir. 2013) (quotation omitted).
2 Plaintiffs must address each factor, bearing in mind that consideration of prejudice to the opposing
3 party carries the greatest weight. *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052
4 (9th Cir. 2003). In structuring their motion, Plaintiffs are encouraged to review the undersigned's
5 recent orders on motions to amend, including *Mendia v. Garcia*, ___ F. Supp. 3d ___, 2016 WL
6 758349, at *3 (N.D. Cal. Feb. 26, 2016); *Faulks v. Wells Fargo & Co.*, 2015 WL 4914986, at *7
7 (N.D. Cal. Aug. 17, 2015); *Harman v. Ahern*, 2015 WL 1885718, at *2 (N.D. Cal. Apr. 24, 2015);
8 and *Tobin v. City & Cty. of San Francisco Police Dep't*, 2015 WL 1885632, at *2 (N.D. Cal. Apr.
9 24, 2015). Plaintiffs may choose to file the same motion in all three cases or file three separate
10 motions.

11 2) If Plaintiffs do not file a motion to amend and/or consolidate by May 5, Defendant
12 VanDyk Mortgage Corporation may file a motion for summary judgment by June 2, 2016. The
13 Court will not consider any dispositive motion filed before the deadline for Plaintiffs to file their
14 motion to amend and/or motion to consolidate.

15 3) As default has been entered against certain Defendants, Plaintiffs are reminded that
16 any motions for default judgment must be structured as in the notice previously provided.
17 Plaintiffs may choose to file the same motion in all three cases or file three separate motions.

18 **IT IS SO ORDERED.**

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20 Dated: March 25, 2016

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23 MARIA-ELENA JAMES
24 United States Magistrate Judge
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