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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ADOBE SYSTEMS INCORPORATED, a
Delaware Corporation,

Plaintiff,

vs.

A & S ELECTRONICS, INC., a California
Corporation d/b/a TRUSTPRICE; ALAN Z.
LIN, an Individual; and DOES 1-10,
Inclusive,

Defendants.

Case No: C 12-00790 SBA

**ORDER DENYING STIPULATION
TO FILE THIRD AMENDED
COMPLAINT AND TO CONTINUE
PRE-TRIAL AND TRIAL DATES**

Dkt. 72

On May 21, 2015, Plaintiff Adobe Systems Inc. (“Plaintiff”) filed the instant action against A & S Electronics, Inc. (“A&S”), and its owner, Alan Z. Lin (“Lin”), for trademark and copyright infringement, among other claims. The parties are now before the Court on the parties’ Stipulation to File Third Amended Complaint and to Continue Pre-Trial and Trial Dates. Plaintiff avers that during the course of discovery, it discovered facts that A&S and/or Lin obtained various products from other companies that infringe its trademark and copyrights. Dkt. 72 at 2. As such, Plaintiff seeks to join the following eleven additional party-defendants: ABB Liquidating & Trading; Action Tech; Atlantic Media Sales, LLC; Budget Computer; Computechsale, LLC; Expresscomm International, Inc.; Fairtrade Corporation; FCO Electronic; ITR Consulting Group; Reliable Business Partner, Inc.; and Lester Wieggers d/b/a Ultraelectronics (collectively, “Additional Defendants”). The parties also seek to enlarge all upcoming pretrial deadlines and the trial date by approximately three months.


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Federal Rule of Civil Procedure 16 provides that deadlines established in a case management order may “be modified only for good cause[.]” Fed. R. Civ. P. 16(b)(4). “Good cause” exists when a deadline “cannot reasonably be met despite the diligence of the party seeking the extension.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992) (citation omitted). Here, the deadline to amend the pleadings and join additional parties was January 12, 2016. The parties make no effort to demonstrate good cause for failing to amend the pleadings on or before that date. Moreover, the parties fail to make any showing that the joinder of eleven new parties is either necessary or appropriate under Federal Rule of Civil Procedure 20. See Desert Empire Bank v. Ins. Co. of N. Am., 623 F.2d 1371, 1374 (9th Cir. 1980) (noting that both Rule 15 and Rule 20 standards are implicated by a motion to amend pleadings to add a new party). Accordingly,

IT IS HEREBY ORDERED THAT the Stipulation to File Third Amended Complaint and to Continue Pre-Trial and Trial Dates is DENIED.

IT IS SO ORDERED.

Dated: 4/22/16


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge