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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TULARE LOCAL HEALTH CARE
DISTRICT, et al.,

Petitioners,

v.

CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES, et al.,

Respondents.

Case No. 15-cv-2711-PJH

**ORDER GRANTING MOTION FOR
LEAVE TO AMEND COMPLAINT**

Petitioners in the above-entitled action seek leave to file an amended petition for writ of mandate. Federal Rule of Civil Procedure 15 requires that a plaintiff obtain either consent of the defendant or leave of court to amend its complaint once the defendant has answered, but “leave shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a); see also, e.g., Chodos v. West Pub. Co., 292 F.3d 992, 1003 (9th Cir. 2002) (leave to amend granted with “extreme liberality”). Leave to amend is thus ordinarily granted unless the amendment is futile, would cause undue prejudice to the defendants, or is sought by plaintiffs in bad faith or with a dilatory motive. Foman v. Davis, 371 U.S. 178, 182 (1962); Smith v. Pac. Props. & Dev. Corp., 358 F.3d 1097, 1101 (9th Cir. 2004).

Respondents oppose the motion, arguing that amending the petition will be futile, and that they will be prejudiced thereby. Having read the parties’ papers and carefully considered their arguments and the relevant legal authority, the court hereby GRANTS the motion. The court finds no obvious prejudice to respondents from the filing of an amended petition, and finds further that the applicability of the recent decision in Hoag

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Mem. Hosp. Presbyterian v. Price, 866 F.3d 1072 (9th Cir. 2017), can be addressed in the cross-motions for summary judgment.

The hearing on the motion for leave to amend, previously noticed for October 4, 2017, is VACATED. No later than Monday, October 2, 2017, petitioners shall file the amended petition as a stand-alone document. Thereafter, the parties shall meet and confer and submit a stipulation as to the briefing schedule for the cross-motions that were previously scheduled to be filed on October 4, 2017.

IT IS SO ORDERED.

Dated: September 27, 2017



PHYLLIS J. HAMILTON
United States District Judge