

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GERARDO HERNANDEZ,)	Case No.: 13-CV-05956-LHK
)	
Plaintiff,)	
v.)	ORDER DIRECTING PARTIES TO FILE
)	STATEMENTS ON LEAVE TO AMEND
ROSS STORES, INC., et. al.,)	
)	
Defendants.)	

The parties have indicated that the ADR processes contemplated by General Order 56 are stalled due to a dispute over whether Plaintiff may amend his Complaint to incorporate facts relating to additional physical barriers Plaintiff identified at the site inspection. *See* ECF No. 22. All parties agree that Plaintiff may amend his Complaint to add another defendant. Moreover, Defendant Ross Stores, Inc. has indicated its consent to Plaintiff’s amendment to include facts related to additional physical barriers. Only Defendant Machado San Antonio Partners, LLC (“Machado”) objects to the amendment to include facts related to additional physical barriers.

The Court orders the parties to each file a two-page statement regarding their positions on whether Plaintiff should be granted to leave to amend his complaint by July 3, 2014. Defendant Machado shall include why it believes there has been “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

amendment.” See *Leadsinger, Inc. v. BMG Music Publ’g*, 512 F.3d 522, 532 (9th Cir. 2008) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)). If the parties stipulate to amendment by July 3, 2014, then the parties need not file these statements. The Court will set a revised schedule for the General Order 56 ADR processes concurrently with the Court’s ruling on the leave to amend dispute.

IT IS SO ORDERED.

Dated: June 20, 2014



LUCY H. KOH
United States District Judge