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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ANTHONY MARANON,

Plaintiff,

v.

SANTA CLARA STADIUM AUTHORITY,
et al.,

Defendants.

Case No. [15-cv-04709-BLF](#)

**ORDER GRANTING MOTION FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT AND VACATING
HEARING**

[Re: ECF 102]

Before the Court is Plaintiff Anthony Maranon’s (“Plaintiff”) unopposed Motion for Leave to File Second Amended Complaint (“SAC”) against Defendants Santa Clara County Stadium Authority, City of Santa Clara, and Forty Niners Stadium Management Company LLC (“Defendants”). ECF 102 (“Mot.”); *see also* proposed SAC, ECF 102-1. Pursuant to Civil Local Rule 7-1(b), the Court finds the matter suitable for submission without oral argument and hereby VACATES the hearing set for December 13, 2018. For the reasons set forth below, the Court GRANTS Plaintiff’s motion for leave to file the proposed SAC.

I. BACKGROUND

Plaintiff initiated this action against Defendants on October 12, 2015, alleging violations of Titles II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12131, *et seq.*, Title III of the ADA, 42 U.S.C. §§ 12181, *et seq.*, and related California law, as well as various state-law tort claims. *See* ECF 1 (“Compl.”). Plaintiff alleges that he is physically disabled as defined by all applicable California and federal laws. *See* Compl. ¶ 1. Plaintiff further alleges that Defendants failed to remove barriers to his access at Levi’s Stadium, located at 4900 Marie P. DeBartolo Way in Santa Clara, California (the “Stadium”), which is owned and operated by

1 Defendants Santa Clara Stadium Authority and Forty Niners Stadium Management Company
2 LLC. *See* Compl. ¶¶ 2–3. Plaintiff alleges that the City of Santa Clara owns the real property on
3 which the Stadium is located. Compl. ¶ 4.

4 On February 1, 2017, Plaintiff moved to file a First Amended Complaint (“FAC”) to add a
5 claim of negligence against his medical providers (“Medical Defendants”), whom he alleged
6 contributed to the injuries he suffered from the incident at the Facility. *See* ECF 38. This Court
7 granted leave to amend (ECF 44), and Plaintiff filed his FAC on April 24, 2017, adding a cause of
8 action for medical negligence (ECF45). The Medical Defendants moved to dismiss the FAC’s
9 new claim against them (ECF 53, 54, 62), which the Court granted on October 13, 2017 (ECF 78).

10 The case proceeded through the General Order 56 process, including a joint site inspection
11 and mediation, but the parties were unable to resolve Plaintiff’s claims against Defendants. *See*
12 Mot. at 3. The Court held a Case Management Conference on May 10, 2018 and set a pretrial and
13 trial schedule for the case, with trial commencing on March 4, 2022. ECF 92.

14 Plaintiff now seeks leave to amend his complaint against Defendants to add additional
15 access barriers related to Plaintiff’s disability that he seeks to have removed in his request for
16 injunctive relief. *See generally* Mot. Defendants did not file an opposition to Plaintiff’s Motion.

17 **II. LEGAL STANDARD**

18 Under Federal Rule of Civil Procedure 15(a), a party may amend its pleading once as a
19 matter of course within 21 days of serving it. Fed. R. Civ. P. 15(a)(1). Further amendment of the
20 pleadings is allowed with the opposing party’s consent or leave of the court. *Id.* 15(a)(2). The
21 factors considered when determining whether to grant leave to amend include “(1) bad faith on the
22 part of the movant; (2) undue delay; (3) prejudice to the opposing party; and (4) futility of the
23 proposed amendment.” *Ciampi v. City of Palo Alto*, No. 09-CV-02655-LHK, 2010 WL 5174013,
24 at *2 (N.D. Cal. Dec. 15, 2010) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

25 However, “[o]nce the district court ha[s] filed a pretrial scheduling order pursuant to
26 Federal Rule of Civil Procedure 16 which establishe[s] a timetable for amending pleadings[,] that
27 rule’s standards control[.]” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607–08 (9th
28 Cir. 1992). A party seeking to amend a scheduling order must show “good cause” for such relief.

1 Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s
2 consent.”). If the moving party establishes “good cause” to modify the scheduling order, “it must
3 then demonstrate that its motion is also proper under Rule 15.” *Rodarte v. Alameda Cty.*, No. 14-
4 CV-00468-KAW, 2015 WL 5440788, at *2 (N.D. Cal. Sept. 15, 2015); *Johnson*, 975 F.2d at 608.

5 **III. DISCUSSION**

6 Plaintiff seeks leave to amend his FAC in order to include in his request for injunctive
7 relief all barriers at the Facility related to his disability. *See Mot.* at 4. According to the Court’s
8 Case Management Order, the parties had until July 9, 2018 to seek leave to amend pursuant to
9 Rule 15. Plaintiff filed his motion for leave to amend on July 9, 2018, and thus Rule 15 governs
10 Plaintiff’s motion. Rule 15(a) is a liberal standard, providing that leave to amend “shall be freely
11 given when justice so requires.” Fed. R. Civ. P. 15(a).

12 Plaintiff’s motion for leave to amend satisfies the requirements of Rule 15(a). Under the
13 liberal standard set forth in Rule 15, a court generally will grant leave to amend “unless
14 amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates
15 undue delay.” *Johnson*, 975 F.2d at 607; *Foman*, 371 U.S. at 182. Not all factors carry equal
16 weight. *See Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).
17 Prejudice to the opposing party must be given the greatest weight. *Id.* Absent prejudice, or a
18 strong showing of bad faith, undue delay, or futility of amendment, there exists a presumption
19 under Rule 15(a) in favor of granting leave to amend. *Id.* (citation omitted).

20 The Court finds that none of the factors weighing against amendment are present here.
21 Defendants do not oppose Plaintiff’s motion, and thus make no argument that amendment will
22 prejudice them in any way. Moreover, Defendants were on continuous notice of this amendment,
23 as the original complaint expressly alleged that Plaintiff would “seek to amend this Complaint
24 once such additional barriers are identified as it is Plaintiff’s intention to have all barriers which
25 exist at the Stadium and relate to his disabilities removed to afford him full and equal access.”
26 Compl. ¶ 11. And trial in this matter is not until 2022, demonstrating that amendment here would
27 not prejudice Defendants.

28 Likewise, there is no evidence of bad faith, undue delay, or futility. Plaintiff moved to

1 amend soon after he was first allowed to do so, as he could not move to amend until the stay
2 mandated by General Order 56 was lifted by this Court’s Case Management Order. *See* General
3 Order 56 ¶ 2. Moreover, amendment would not be futile, as Plaintiff’s request to add the alleged
4 barriers at an early stage of the litigation is required and encouraged by Ninth Circuit law. *See*
5 *Chapman v. Pier 1 Imports (U.S.), Inc.*, 631 F.3d 939, 953 (9th Cir. 2011) (“[A]n ADA plaintiff
6 who has been discriminated against in one aspect of a public accommodation may, in a single
7 lawsuit, obtain an injunction to prevent impending discrimination on account of his specific
8 disability throughout the accommodation.”); *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 909 (9th
9 Cir. 2011) (holding that “for purposes of Rule 8, a plaintiff must identify the barriers that
10 constitute the grounds for a claim of discrimination under the ADA in the complaint itself; a
11 defendant is not deemed to have fair notice of barriers identified elsewhere.”)

12 For the foregoing reasons, the Court finds that Rule 15’s presumption in favor of granting
13 leave to amend applies to Plaintiff’s motion. All of the Rule 15(a) factors weigh in favor of
14 granting Plaintiff’s motion for leave to file the SAC. Accordingly, Plaintiff’s motion for leave to
15 file the proposed SAC is GRANTED.

16 **IV. ORDER**

17 For the foregoing reasons, the Court ORDERS as follows:

- 18 1. Plaintiff’s Motion for Leave to File a Second Amended Complaint is
19 GRANTED.
- 20 2. Plaintiff shall promptly file the proposed SAC in the record.
- 21 3. The hearing scheduled for December 13, 2018 is VACATED.

22
23 **IT IS SO ORDERED.**

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25 Dated: August 16, 2018



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27 BETH LABSON FREEMAN
United States District Judge

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