

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SARA WARREN,

Plaintiff,

v.

STELLAR SENIOR LIVING, LLC,

Defendant.

Case No. 1:17-cv-00173-DCN

**MEMORANDUM DECISION AND
ORDER**

I. INTRODUCTION

Pending before the Court is Plaintiff Sara Warren's Motion to Amend/Correct Complaint. Dkt. 15. Warren seeks to add Lincoln Court Idaho Falls (IDIFLC), LLC, d/b/a Lincoln Court Retirement Community as a proper defendant/ real party in interest. Defendant Stellar Living, LLC, does not oppose the Motion. Dkt. 15-1.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 15(a) provides that, once a responsive pleading has been served, a party may amend its pleading "only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). However, when—as in this case—a party files a motion to amend after the Court's case management deadline to amend has passed, district courts in the Ninth Circuit apply Federal Rule of Civil Procedure 16(b), followed by a Rule 15(a)

analysis. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir. 1992). Under Rule 16(b), the movant must demonstrate good cause to amend. *Id.* at 609.

III. ANALYSIS

In this case, the deadline to amend pleadings or join parties was February 28, 2018. Dkt. 14. Because Warren filed this Motion after the deadline, the Court must utilize the higher “good cause” standard of Rule 16 to determine if Warren can amend. Lengthy analysis is unnecessary, however, as the parties are in agreement on this Motion. It appears that IDIFLC is a real party in interest and the only reason Warren did not name it as a defendant from the outset was because IDIFLC had been administratively dissolved. Now reinstated, it appears necessary to add IDIFLC in the interest of justice. Warren has met the good cause standard and the Court will GRANT the Motion.

IV. ORDER

IT IS ORDERED:

1. Warren’s Motion to Amend (Dkt. 15) is **GRANTED**.
2. Warren shall have 7 days to file her Amended Complaint as outlined in Docket 16.



DATED: April 3, 2018


David C. Nye
U.S. District Court Judge