

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

JAMIE KIRKPATRICK, individually, and	)	3:09-CV-00600-ECR-VPC
as the natural father and legal	)	
guardian of BRIANA WHITWORTH, a minor,	)	MINUTES OF THE COURT
	)	
Plaintiff,	)	DATE: October 26, 2010
	)	
vs.	)	
	)	
WASHOE COUNTY, a political subdivision	)	
of the State of Nevada; CHONDRA WOOD,	)	
individually and in her capacity as a	)	
social worker for the WASHOE COUNTY	)	
DEPARTMENT OF SOCIAL SERVICES,	)	
CHILDREN'S SERVICES; DOES 1-10,	)	
	)	
Defendants.	)	
	)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Now pending are Defendants' motion to dismiss (#30), Plaintiff's "Motion to Extend Time regarding discovery/nondispositive matter to amend pleading" (#40), Plaintiff's "First Motion to Amend/Correct Complaint" (#41), Defendants' motions for summary judgment (## 50 and 52).

Defendants oppose (#46) Plaintiff's "First Motion to Amend/Correct Complaint" (#41) on the basis that the deadline for amending pleadings has expired and Plaintiff has failed to cite legal authority in support of his request and has failed to show excusable neglect. Defendants oppose (#45) Plaintiff's motion to extend the deadline for amending pleadings on essentially the same grounds.

The deadline for amending pleadings is June 22, 2010. Nevertheless, plaintiff seeks to file an amended complaint in order to conform his

pleadings to evidence discovered after Plaintiff filed his last complaint (#22).

Under Rule 15(a) leave to amend is to be "freely given when justice so requires." In general, amendment should be allowed with "extreme liberality." Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 712 (9th Cir. 2001) (quoting Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)). In light of the liberal spirit of Rule 15(a) Plaintiff should have the opportunity to amend his complaint. Moreover, there is no evidence of prejudice to defendants or bad faith on the part of Plaintiff. Plaintiff's motion will therefore be granted.

Plaintiff's "Motion to Extend Time regarding discovery/nondispositive matter to amend pleading" (#40) requests that we extend the deadline for amending pleadings to thirty (30) days after the close of discovery. Although we will permit Plaintiff to amend his complaint outside the deadline in this instance, we decline to extend the deadline for amending pleadings as a general matter. We will address requests to file papers outside the deadlines delineated in the scheduling order on a case by case basis.

Defendants' motions for summary judgment are not yet fully briefed. Nevertheless, in light of this Order, Defendants' motions for summary judgment (##51 and 52) are moot. They will be denied on that basis without prejudice to Defendants re-filing the motions or filing other motions for summary judgment after Plaintiff files his amended complaint.

**IT IS, THEREFORE, HEREBY ORDERED THAT** Defendants' motion to dismiss (#30) is **DENIED** as moot.

**IT IS FURTHER HEREBY ORDERED THAT** Plaintiff's "Motion to Extend Time regarding discovery/nondispositive matter to amend pleading" (#40) is **DENIED**.

**IT IS FURTHER HEREBY ORDERED THAT** Plaintiff's "First Motion to Amend/Correct Complaint" (#41) is **GRANTED**. Plaintiff shall have fourteen (14) days within which to file the proposed complaint.

**IT IS FURTHER HEREBY ORDERED THAT** Defendant Washoe County's motion for summary judgment (#50) is **DENIED** as moot.

**IT IS FURTHER HEREBY ORDERED THAT** Defendants Linda Kennedy and Ellen Wilcox's motion for summary judgment (#52) is **DENIED** as moot.

LANCE S. WILSON, CLERK

By \_\_\_\_\_/s/\_\_\_\_\_  
Deputy Clerk