

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABRAHAM GHORBANIAN, D.D.S.,

Case No. C14-1396 RSM

Plaintiff,

V.

GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA, *et al.*,

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT

Defendants.

THIS MATTER comes before the Court on Plaintiff's Motion to Amend his Complaint to add a claim against Defendants pursuant to the Insurance Fair Conduct Act ("IFCA") based on a February 27, 2015, denial of disability benefits. Dkt. #77. Defendants oppose the motion, arguing that Plaintiff has unduly delayed amending his Complaint and has proposed an amendment that is futile. Dkt. #88.

Federal Rule of Civil Procedure 15(a) governs the amendment of pleadings. Under Rule 15(a)(2), leave to amend should be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2). The Ninth Circuit has held that leave to amend should be granted with “extreme liberality.” *DCD Programs, LTD. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987). The Court must consider whether the proposed amendment (1) would be futile, (2) is the product of undue delay, (3) would prejudice the non-moving party, and (4) was brought in bad faith. *Id.* (stating all four factors). The opposing party bears the burden of showing prejudice, *id.* at 187, which

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1 is the most important factor in whether to grant a motion for leave to amend. *Eminence*
2 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (presumption in favor of
3 granting leave exists absent prejudice or a strong showing of any of the remaining factors).

4 Having reviewed Plaintiff's motion and reply in support thereof, and the opposition
5 thereto, the Court will allow Plaintiff's filing of a Second Amended Complaint. For the
6 reasons set forth by Plaintiff, the Court agrees that Plaintiff has not unduly delayed in the filing
7 of his proposed IFCA claim, which is based on a separate denial of benefits than previously
8 examined by the Court. Further, the Court finds that Defendants have failed to demonstrate
9 prejudice in allowing this amendment. Finally, the Court cannot conclude at this stage of the
10 litigation that the proposed amendments would be futile. Accordingly, Plaintiff's Motion to
11 Amend (Dkt. #77) is GRANTED.
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13 Plaintiff shall file with the Court his Second Amended Complaint, as proposed at Dkt.
14 #77-1, Ex. C, **no later than three (3) business days from the date of this Order.**
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16 DATED this 13th day of April 2017.
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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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