

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LHF PRODUCTIONS, INC,

11 Plaintiff,

12 v.

13 DOES 1-19,

14 Defendants.
15

Case No. C16-1175 RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT

16 This matter comes before the Court on Plaintiff LHF Productions, Inc.'s ("LHF") Motion
17 for Leave to Amend Complaint to Substitute Party. Dkt. #79. LHF filed this matter in July 2016
18 and later amended its Complaint in October 2016. *See* Dkts. #1 and #20. LHF's Amended
19 Complaint names Tracy Silvan as a defendant. *See* Dkt. #20 ¶ 21. Despite naming Ms. Silvan
20 as a defendant, LHF now asks the Court to allow it to amend its Amended Complaint so it can
21 remove Ms. Silvan as a defendant, and name Simon Montgomery as a defendant instead. Dkt.
22 #79 at 1-2. To support its motion, LHF submits a declaration by its counsel. *See* Dkt. #80. In
23 that declaration, LHF's counsel explains that during its Rule 26(f) conference with Ms. Silvan,
24 Ms. Silvan identified Mr. Montgomery as the party responsible for the alleged copyright
25 infringement associated with Ms. Silvan's internet protocol address. *Id.* ¶2. For the reasons
26 discussed herein, the Court GRANTS LHF's motion.
27
28

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT - 1

1 Rule 15(a)(2) of the Federal Rules of Civil Procedure calls for the liberal amendment of
2 pleadings, “when justice so requires.” FED. R. CIV. P. 15(a)(2). Thus, “[i]n the absence of any
3 apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the
4 [plaintiff], repeated failure to cure deficiencies by amendments previously allowed, undue
5 prejudice to the opposing party by virtue of allowance of the amendment, futility of the
6 amendment, etc.,” parties should be allowed to amend a complaint. *Foman v. Davis*, 371 U.S.
7 178, 182 (1962).
8

9 LHF demonstrates the interests of justice warrant allowing it to amend its Amended
10 Complaint. LHF demonstrates there is no evidence of bad faith or undue delay on its part. LHF
11 first learned of Mr. Montgomery’s alleged infringement on April 17, 2017, and four days later
12 filed its motion to amend. *See* Dkts. #79 at 1-3 and #80 ¶ 2. Given LHF’s recent discovery of
13 Mr. Montgomery’s identity, it cannot be said LHF repeatedly failed to add Mr. Montgomery as
14 a defendant. It does not appear that LHF’s addition of Mr. Montgomery as a defendant is a futile
15 amendment, as LHF has represented that it has “obtained credible evidence” indicating that
16 Mr. Montgomery is the responsible party for the alleged infringement. Dkt. #79 at 3. The Court
17 agrees that Ms. Silvan will not be prejudiced by LHF’s proposed amendment, as she will be
18 dismissed from this matter. *See id.* LHF’s motion to amend its Amended Complaint to dismiss
19 Ms. Silvan and add Mr. Montgomery as a defendant is accordingly GRANTED.
20
21

22 DATED this 16th day of June 2017.
23

24 

25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE
27
28