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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 UNITED STATES OF AMERICA,

CASE NO. C18-712 RSM

9 Plaintiff,

ORDER

10 v.

11 CAROL L. ENGEN, et al.,

12 Defendants.

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14 This matter is before the Court on Defendant Carol L. Engen's Motion for Continuance
15 of Scheduling Deadlines. Dkt. #47. The Court grants the motion and takes the opportunity to
16 clarify the record.

17 Defendant Engen indicates that the parties' prior attempt to hold the Rule 26(f)
18 conference was unsuccessful because Plaintiff United States and Defendant King County ("King
19 County") "refused to discuss their claims and defenses with Defendant [Engen] or any settlement
20 matters until they had seen Defendant's answer to the Complaint." Dkt. #47 at 2. Defendant
21 Engen has now filed an answer¹ to the Complaint and asserted counterclaims against Plaintiff
22 and crossclaims against King County. Dkt. #44. Accordingly, Defendant Engen maintains that
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24 ¹ Defendant Engen has filed several amended answers, which the Court addresses below.

1 she should not be forced to participate in the Rule 26(f) conference until seeing responsive
2 pleadings to her claims. Plaintiff and King County do not oppose the request, and the Court finds
3 good cause to extend the requested deadlines.²

4 Since Defendant Engen filed her answer, asserting counterclaims and crossclaims, she
5 has filed three amended complaints. Dkts. #45, #46, and #49. Federal Rule of Civil Procedure
6 15(a) provides that “[a] party may amend its pleading once as a matter of course within: (A) 21
7 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21
8 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b),
9 (e), or (f), whichever is earlier.” FED. R. CIV. P. 15(a). Otherwise, a party must seek leave of
10 court to amend a pleading or receive the opposing party’s written consent. FED. R. CIV. P.
11 15(a)(2).

12 Defendant Engen filed “Defendant’s First Amended Answer and Counterclaims” on May
13 31, 2020. Dkt. #45. This expended the one amendment afforded Defendant Engen as a matter
14 of course. *See Logue v. Patient First Corp.*, 246 F. Supp. 3d 1124, 1126–27 (D. Md. 2017) (“*only*
15 *one* opportunity is afforded by Rule 15 to amend any pleading as a matter of course”) (emphasis
16 in original). Further amendments are permitted “only with the opposing party’s written consent
17 or the court’s leave.” FED. R. CIV. P. 15(a)(2). Accordingly, the Court will strike the subsequent
18 amended answers as procedurally improper. In so doing, the Court clarifies that “Defendant’s
19 First Amended Answer and Counterclaims” (Dkt. #45) is Defendant Engen’s operative pleading
20 in this matter.

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23 ² The original deadline for the parties to file a joint status report was June 8, 2020. Dkt. #42. In
24 an abundance of caution, Defendant Engen and Plaintiff filed separate status reports. Dkts. #51
and #52. Because the Court grants Defendant Engen’s motion for an extension of time, the Court
disregards those filings.

1 Accordingly, having considered Defendant's motion and the remainder of the record, the
2 Court finds and ORDERS:

- 3 1. The Court STRIKES, as procedurally improper:
- 4 a. "Defendant's Second Amended Answer and Counterclaims" (Dkt. #46); and
 - 5 b. "Defendant's Third Amended Answer and Counterclaims" (Dkt. #49).
- 6 2. Defendant Carol L. Engen's Motion for Continuance of Scheduling Deadlines (Dkt. #47)
7 is GRANTED. The Court sets the following initial scheduling deadlines:

| 8 <u>Event</u> | <u>Old Deadline</u> | <u>New Deadline</u> |
|---|---------------------|---------------------|
| 9 Deadline for FRCP 26(f) 10 Conference | 05/25/2020 | 08/10/2020 |
| 11 Initial Disclosures Pursuant to FRCP 26(a)(1) | 06/01/2020 | 08/17/2020 |
| 12 Combined Joint Status Report 13 and Discovery Plan as Required by FRCP 26(f) and Local 14 Civil Rule 26(f): | 06/08/2020 | 08/24/2020 |

15 Dated this 9th day of June, 2020.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE