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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 DANIEL JAY PEREZ,

11 Plaintiff,

12 v.

13 DICK MORGAN, et al.,

14 Defendants.

Case No. C16-6023 RBL-TLF

ORDER GRANTING MOTION TO  
AMEND TO SUBSTITUTE "DOE"  
DEFENDANTS

15 Plaintiff seeks leave to amend his complaint pursuant to Fed. R. Civ. P. 15(a) to  
16 substitute the names of eight Department of Corrections' employees for the fictitiously described  
17 "Doe" Defendants. The new defendants are: Sonia Segraves, Teddie R. Armstrong, Cindy  
18 Davenport, Juan L. Hernandez-Mendoza, Trevor A. Ahlers, Clavin Blackham, Richard  
19 Christensen, and Anthony W. Boe. Plaintiff also seeks leave to amend his complaint to  
20 substitute the full names of six employees who were previously only partially named: John C.  
21 Doyle, Mark McClanahan, Thomas Vicari II, Mark King, Steve Sundburg, and Peter Beck. Dkt.  
22 49.

23 Defendants do not object to the proposed amendment, but "object to the amendment to  
24 the extent that it would interfere with the case schedule currently in place." Dkt. 52, p. 2. The  
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1 discovery deadline is June 23, 2015 and the dispositive motions deadline is August 25, 2017.  
2 Dkt. 31. On June 7, 2017, while the motion to amend was pending, plaintiff filed a motion to  
3 extend the discovery deadline, which is ripe for consideration on June 23, 2017.

#### 4 **DISCUSSION**

5 A party seeking to amend his complaint may seek leave of the Court. Fed. R. Civ. P.  
6 15(a). Federal Rule 15(a) indicates that “[t]he court should freely give leave when justice so  
7 requires.” Fed. R. Civ. P. 15(a)(2). Although this is a liberal standard, leave to amend is  
8 discretionary and courts have identified a number of factors to consider when determining  
9 whether leave is appropriate. *See, e.g., Foman v. Davis*, 371 U.S. 178, 182 (1962). These factors  
10 include undue prejudice, futility, and undue delay. *Id.*

11 Mr. Perez has timely sought leave to amend his complaint to substitute the proper parties  
12 to his complaint and to fully identify other parties. Thus, leave to amend shall be granted.  
13 Although defendants’ concerns about the amount of discovery already produced and ongoing  
14 discovery requests, the Court declines to issue a blanket denial of further discovery. The parties  
15 may address the appropriateness of extending the discovery deadline with regard to plaintiff’s  
16 pending motion (Dkt. 53).

17 Accordingly, it is **ORDERED**:

18 1. Plaintiff’s motion to amend (Dkt. 49) is **GRANTED**. The Clerk of Court is  
19 directed to docket the proposed amended complaint (Dkt. 49-1) as Plaintiff’s first amended  
20 complaint. Under separate Order, the Court shall direct service on the newly named defendants.  
21 Service on the partially named defendants is not necessary as they have already appeared and  
22 filed an answer. Dkt. 30.

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2. The Clerk shall send copies of this Order to plaintiff and counsel for defendants.

Dated this 9<sup>th</sup> day of June, 2017.



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Theresa L. Fricke  
United States Magistrate Judge