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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 L.K.M. et al.,

9 Plaintiffs,

v.

10 BETHEL SCHOOL DISTRICT, et al.,

11 Defendants.

CASE NO. C18-5345 BHS

ORDER GRANTING IN PART  
AND DENYING IN PART  
PLAINTIFFS' MOTION FOR  
LEAVE TO AMEND COMPLAINT

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13 This matter comes before the Court on Plaintiffs' motion for leave to amend  
14 complaint and change caption. Dkt. 44.

15 On September 3, 2020, Plaintiffs filed a motion for leave to amend the complaint  
16 to remove former-Defendant Nancy McKeeman ("McKeeman") and add proposed-  
17 defendant Lori Haugen ("Haugen"). *Id.* Plaintiffs wish to amend their complaint to  
18 include Haugen in their "§ 1983 causes of action based upon her personal liability." *Id.* at  
19 5. However, the Court granted summary judgment on Plaintiffs' § 1983 claims against  
20 the Individual Defendants in this action, concluding that the Individual Defendants are  
21 entitled to qualified immunity. Dkt. 65 at 7, 8. A court may deny leave to amend "where  
22 the amendment would be futile . . . or where the amended complaint would be subject to

1 dismissal. *Saul v. United States*, 928 F.2d 829, 843 (9th Cir. 1991). “[A] proposed  
2 amendment is futile only if no set of facts can be proved under the amendment to the  
3 pleadings that would constitute a valid and sufficient claim or defense.” *Miller v. Rukoff-*  
4 *Sexton, Inc.*, 845 F.2d 2019, 214 (9th Cir. 1988), *overruled on other grounds by Ashcroft*  
5 *v. Iqbal*, 556 U.S. 662 (2009). Because the Court has previously found that Plaintiffs’  
6 cannot maintain a § 1983 claim due to qualified immunity, Plaintiffs’ motion for leave to  
7 amend is futile.

8 Plaintiffs also request leave to change the caption and remove McKeeman  
9 pursuant to the parties’ stipulated motion. *See* Dkts. 24, 25. Defendants have not objected  
10 to this proposed amendment. *See* Dkt. 47.

11 Therefore, the Court **DENIES** Plaintiffs’ request to add Haugen as a defendant  
12 and **GRANTS** Plaintiffs’ request to amend the caption and remove McKeeman as a  
13 defendant.

14 **IT IS SO ORDERED.**

15 Dated this 19th day of April, 2021.

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BENJAMIN H. SETTLE  
United States District Judge