UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Nathan P. Goldstein, as Executive Director, Massachusetts Laborers' Benefit Funds v. Essential Demo, Inc.

Goldstein · No. 24-10248-FDS · Decided March 11, 2026

SUMMARY

The United States District Court for the District of Massachusetts denied Essential Demo, Inc.'s motion for leave to file a crossclaim against Rise Construction Management, Inc. The court applied Federal Rules of Civil Procedure 13(g), 15, and 16(b), concluding that Essential failed to show good cause because it knew the factual basis for the proposed crossclaim and offered no explanation for filing after the amendment deadline. The underlying dispute concerns allegedly unpaid employee-benefit contributions under ERISA and the LMRA.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	F. Dennis Saylor IV
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 11, 2026
DOCKET	24-10248-FDS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Essential Demo, Inc. moved for leave to file a crossclaim against Rise Construction Management, Inc. after the deadline for amendments to pleadings had expired.
STANDARD OF REVIEW	A motion to add a crossclaim after the amendment deadline is governed by the good-cause standard under Federal Rule of Civil Procedure 16(b), with diligence of the moving party as the principal consideration and prejudice to the opposing party also relevant.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

motion to amend · civil procedure · employee benefits · erisa · commercial litigation

PRACTICE AREAS

civil procedure | ERISA | employment benefits | commercial litigation

QUESTIONS PRESENTED

1. Whether Essential Demo could obtain leave under Federal Rules of Civil Procedure 16(b) and 15 to file a crossclaim after the deadline for amendments to pleadings.
2. Whether Essential demonstrated good cause, particularly diligence, for modifying the scheduling order and allowing the proposed crossclaim.

HOLDINGS

1. When a scheduling order has been entered and the deadline for amendments to pleadings has passed, a party seeking leave to add a crossclaim must satisfy Rule 16(b)'s more demanding good-cause standard before proceeding under Rule 15.
2. Essential failed to establish good cause because it was aware of the factual basis for the proposed crossclaim for a substantial period, could have asserted it before the deadline, and offered no excuse for its delay; therefore, leave to file the crossclaim was denied.

KEY QUOTATIONS

> *"Where a scheduling order has been entered, however, if amendment is sought following the deadline for amendments to pleadings, then the party seeking leave must meet the "more demanding 'good cause' standard of Fed. R. Civ. P. 16(b).""* (II)

> *"its lack of excuse for its delay in seeking leave to amend is ultimately fatal to its motion, particularly where the good-cause standard "focuses on the diligence (or lack thereof) of the moving party more than it does on any prejudice to the party-opponent.""* (III)

FACTUAL BACKGROUND

Goldstein, on behalf of the Massachusetts Laborers' Benefit Funds, alleged that Essential Demo failed to make employee-benefit contributions required by a collective-bargaining agreement. Goldstein pursued claims under ERISA and the LMRA, including a reach-and-apply claim against Rise based on allegedly unpaid invoices owed by Rise to Essential. Essential knew the factual basis for its proposed crossclaim long before the November 28, 2025 amendment deadline but waited until January 21, 2026 to seek leave, offering no explanation for the delay.

PROCEDURAL HISTORY

The action concerns allegedly unpaid employee-benefit contributions under ERISA and the LMRA. The court entered a scheduling order setting November 28, 2025, as the deadline for amendments to pleadings. After extensive contempt proceedings concerning a preliminary injunction against Rise, Rise was dismissed as a reach-and-apply defendant on January 21, 2026. On that same date, Essential moved for leave to file a crossclaim against Rise. The court denied the motion because Essential failed to show good cause for its delay.

DISPOSITION

other

CASES CITED

- Palumbo v. Roberti, 834 F. Supp. 46, 54 (D. Mass. 1993)
- Steir v. Girl Scouts of the USA, 383 F.3d 7, 12 (1st Cir. 2004)
- Gouin v. Nolan Assocs., LLC, 325 F.R.D. 521, 523 (D. Mass. 2017)
- O'Connell v. Hyatt Hotels of P.R., 357 F.3d 152, 154 (1st Cir. 2004)
- Somascan, Inc. v. Philips Med. Sys. Nederland, B.V., 714 F.3d 62, 64 (1st Cir. 2013)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS ____) NATHAN P. GOLDSTEIN,) as Executive Director, Massachusetts) Laborers' Benefit Funds,)) Plaintiff,)) Civil Action No. v.) 24-10248-FDS) ESSENTIAL DEMO, INC.,)) Defendant.) ____) MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR LEAVE TO FILE CROSSCLAIM SAYLOR, J. This is a dispute concerning allegedly unpaid employee-benefit contributions.

Plaintiff Nathan Goldstein, on behalf of the Massachusetts Laborers' Benefit Funds, contends that defendant Essential Demo, Inc. has failed to make employee-benefit contributions to the Funds as mandated by a collective-bargaining agreement. Goldstein asserts claims under Sections 502 and 515 of the Employee Retirement Income Security Act ("ERISA") and Section 301 of the Labor Management Relations Act ("LMRA") to recover those unpaid contributions and associated liquidated damages, interest, and legal fees and costs.

On May 13, 2025, the Court issued a preliminary injunction against the now-dismissed reach-and-apply defendant Rise Construction Management, Inc. Rise failed to comply with this injunction, so the parties engaged in several months of extensive contempt proceedings, including an evidentiary hearing. Essential had the opportunity to participate in those proceedings but largely declined to do so.

Now, more than two months after the deadline for amendments to pleadings, Essential seeks leave to file a crossclaim against Rise. For the reasons that follow, Essential's motion will be denied. I. Background The factual background of this case is set out in the Court's May 13, 2025, memorandum and order granting plaintiff's motion for a preliminary injunction.

(Dkt. No. 41). On May 13, 2025, the Court entered a preliminary injunction against reach-and-apply defendant Rise, requiring it to deposit the $319,744.74 it allegedly owed to Essential into an escrow account with the Court. Rise failed to comply with the preliminary injunction, and the

Court conducted extensive contempt proceedings, including an evidentiary hearing, in October and November 2025.

On January 16, 2026, Goldstein moved for a 45-day order of dismissal on his reach-and- apply claim against Rise, stating that the parties had settled that claim. (Dkt. No. 81). The Court granted that motion on January 21, 2026, and dismissed Rise as reach-and-apply defendant. Also on January 21, 2026, Essential moved for leave to file a crossclaim against Rise.

(Dkt. No. 82). II. Legal Standard Under the Federal Rules of Civil Procedure, a crossclaim must be asserted in a pleading, and the requirements of Rules 15 and 16 therefore apply where a party seeks to add a crossclaim. Fed. R. Civ. P. 13(g) ("A pleading may state as a crossclaim any claim by one party against a coparty...." (emphasis added)); see Palumbo v. Roberti, 834 F. Supp. 46, 54 (D.

Mass. 1993) ("Although technically not itself a pleading, a cross claim must be stated in a pleading...."). If no scheduling order has yet been entered in a case, Rule 15 applies, such that a party may amend its pleading with "the court's leave," which should be "freely give[n]... when justice so requires." Fed. R. Civ. P. 15(a)(2). Where a scheduling order has been entered, however, if amendment is sought following the deadline for amendments to pleadings, then the party seeking leave must meet the "more demanding 'good cause' standard of Fed.

R. Civ. P. 16(b)." Steir v. Girl Scouts of the USA, 383 F.3d 7, 12 (1st Cir. 2004). "In evaluating whether a party has shown good cause, courts consider 1) 'the diligence of the party seeking the amendment' and 2) whether the opposing party would be prejudiced if modification were allowed." Gouin v. Nolan Assocs., LLC, 325 F.R.D. 521, 523 (D. Mass. 2017) (quoting O'Connell v. Hyatt Hotels of P.R., 357 F.3d 152, 154 (1st Cir.

2004)). III. Analysis The Court entered a scheduling order in this case on March 31, 2025. (Dkt. No. 40). That order set a deadline of November 28, 2025, for amendments to pleadings. Defendant's motion for leave to file a crossclaim was filed on January 21, 2026, nearly two months after that deadline.

Therefore, the good cause standard of Rule 16(b) governs. Applying that standard, the Court will deny the motion for lack of diligence. Essential answered the amended complaint on July 31, 2024, roughly a year and a half before filing the present motion. Over most of the past year, this case was focused on the dispute between plaintiff and Rise, the reach-and-apply defendant.

The theory behind plaintiff's claim against Rise was that Rise was liable to Essential for certain unpaid invoices, and that those accounts receivable were an asset of Essential that could be reached to satisfy its obligations to plaintiff. Essential was obviously well aware of the factual basis for the crossclaim long before it sought leave to file. If it had wanted to, it clearly could have asserted the crossclaim months ago, well before the November 28, 2025 deadline for amendments.

Essential offers no excuse for its delay in bringing this crossclaim. It only states (correctly) that the crossclaim was not compulsory and therefore did not need to be asserted in its answer, but that does nothing to explain why it waited so long to file this motion. And although Essential argues that allowing this amendment will not prejudice plaintiff—an assertion that plaintiff vehemently denies—its lack of excuse for its delay in seeking leave to amend is ultimately fatal to its motion, particularly where the good-cause standard "focuses on the diligence (or lack thereof) of the moving party more than it does on any prejudice to the party- opponent." Steir, 383 F.3d at 12.

Under the circumstances, where "[n]o new evidence was alleged to have been uncovered and no excuse was offered" for defendant's delay, the Court will deny leave to amend. Somascan, Inc. v. Philips Med. Sys. Nederland, B.V., 714 F.3d 62, 64 (1st Cir. 2013). IV. Conclusion For the foregoing reasons, defendant's motion for leave to file a crossclaim is DENIED.

So Ordered. /s/ F. Dennis Saylor IV F. Dennis Saylor IV Dated: March 11, 2026 United States District Judge