UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Equal Employment Opportunity Commission, et al. v. Genesh, Inc.

EEOC v. Genesh · No. 2:24-cv-02445-DDC-ADM · Decided December 30, 2025

SUMMARY

The United States District Court for the District of Kansas grants intervenor-plaintiff LZ's motion for leave to amend her complaint to withdraw her Kansas state-law claims. The court finds good cause under Federal Rule of Civil Procedure 16(b)(4) and permits amendment under Rule 15(a)(2), directing LZ to file the amended complaint by January 6, 2026.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Angel D. Mitchell
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 30, 2025
DOCKET	2:24-cv-02445-DDC-ADM
DISPOSITION	other
PROCEDURAL POSTURE	Intervenor-plaintiff LZ moved for leave to amend her complaint to abandon her Kansas state-law claims while retaining her federal Title VII claims. The motion was filed after the scheduling-order deadline for amendments, and defendant Genesh opposed the motion.
STANDARD OF REVIEW	The decision whether to grant leave to amend is committed to the court's sound discretion.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court.

TOPICS

motion to amend · civil procedure · title vii · sexual harassment · civil rights

PRACTICE AREAS

civil procedure · employment law · civil rights

QUESTIONS PRESENTED

1. Whether LZ established good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the expired scheduling-order deadline for amending pleadings.
2. Whether leave to amend should be granted under Federal Rule of Civil Procedure 15(a)(2) so LZ could abandon her Kansas state-law claims while retaining her federal claims.
3. Whether Federal Rule of Civil Procedure 41, rather than Rule 15, governed LZ's request to drop fewer than all claims.

HOLDINGS

1. When a plaintiff seeks to abandon fewer than all claims against a defendant, the request is governed by Rule 15's amendment standards rather than Rule 41's dismissal provisions.
2. LZ demonstrated good cause under Rule 16(b)(4) to modify the scheduling-order deadline for amendment.
3. Leave to amend should be granted because Genesh did not establish undue prejudice, bad faith, undue delay, futility, or another sufficient reason to deny amendment.

KEY QUOTATIONS

> *"Where the scheduling-order deadline has expired, a party seeking leave to amend must (1) demonstrate good cause for modifying the scheduling order under FED. R. CIV. P. 16(b)(4), and (2) satisfy the standards for amendment under FED. R. CIV. P. 15(a)."* (Section II)

> *"A scheduling order "may be modified only for good cause and with the judge's consent.""* (Section II.A)

> *"Rule 15(a)(2) directs the court to "freely give leave [to amend] when justice so requires.""* (Section II.B)

> *"The court will not, as Genesh requests, place conditions on amendment "to mitigate against" a hypothetical risk of duplicative litigation."* (Section II.B)

FACTUAL BACKGROUND

The EEOC sued Genesh, which operated more than 50 Burger King franchises, alleging Title VII and related federal civil-rights violations involving sexual harassment of LZ and other female employees. LZ intervened while she was a minor and asserted Title VII claims along with Kansas tort and retaliatory-discharge claims. LZ later reached the age of majority and sought to pursue fewer claims, while Genesh separately sought to add a comparative-fault defense directed at the Kansas claims. The case had also been delayed by extensive electronic-discovery disputes, a special master's involvement, a government shutdown stay, and numerous discovery motions.

PROCEDURAL HISTORY

The EEOC filed the federal action on September 30, 2024. LZ intervened on November 11, 2024, asserting Title VII and Kansas state-law claims. After the amendment deadline passed, LZ moved to amend to drop Counts IV through XI, and Genesh opposed. The court found good cause under Rule 16(b)(4), concluded that amendment was appropriate under Rule 15(a)(2), granted the motion, and directed LZ to file the amended complaint by January 6, 2026.

DISPOSITION

other

CASES CITED

- Gobbo Farms & Orchards v. Poole Chemical Co., 81 F.3d 122, 123 (10th Cir. 1996)
- Ashford v. Neb. Gorsuch, Ltd., B.C. v. Wells Fargo National Bank Ass'n, 771 F.3d 1230, 1240 (10th Cir. 2014)
- Tesone v. Empire Marketing Strategies, 942 F.3d 979, 988 (10th Cir. 2019)
- Furniture Mart, Inc., No. 17-cv-02097-DDC, 2017 WL 1332706, at *2 (D. Kan. Apr. 11, 2017)
- Royal Pacific Ltd. v. Faith Electric Manufacture Co., 322 F. Supp. 3d 1178 (D.N.M. 2018)
- Carskadon v. Diva International, Inc., No. 12-CV-01886-RM-KMT, 2013 WL 1876784, at *2 (D. Colo. May 3, 2013)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Wilkerson v. Shinseki, 606 F.3d 1256, 1267 (10th Cir. 2010)
- Norvell v. Sangre de Cristo Development Co., Inc., 519 F.2d 370, 375 (10th Cir. 1975)