

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

United States v. Tammy Blakey, et al.

Blakey · No. C23-1910-RSM · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Washington denies Tammy Blakey and Flying T Ranch, Inc.’s motion to amend their answers and affirmative defenses. The court finds undue delay and lack of diligence under Federal Rule of Civil Procedure 16(b), concludes that amendment would also be improper under Rule 15, and denies the defendants’ untimely jury trial demand.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Ricardo S. Martinez
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 30, 2025
DOCKET	C23-1910-RSM
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to amend their answers and affirmative defenses, modify the scheduling order, and demand a jury trial after the deadline for amended pleadings and the deadline for requesting a jury had passed.
STANDARD OF REVIEW	A scheduling-order modification under Federal Rule of Civil Procedure 16(b)(4) requires good cause and is reviewed under the district court's broad discretion, with diligence as the primary consideration. Leave to amend under Rule 15(a)(2) is generally granted freely, but denial is appropriate for undue delay, prejudice, bad faith, futility, or similar factors.
PRECEDENTIAL VALUE	unknown

TOPICS

- motion to amend
- affirmative defenses
- waiver
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendants demonstrated good cause and diligence sufficient to modify the scheduling order and obtain leave to amend their answers and affirmative defenses after the deadline.
2. Whether defendants could demand a jury trial after the deadline for serving a jury demand had expired.

HOLDINGS

1. Defendants did not show good cause under Federal Rule of Civil Procedure 16(b)(4) because they were not diligent in seeking amendment well over a year after the deadline, and the motion to amend was denied. The motion also would be denied under Rule 15(a)(2) because of undue delay and clear prejudice to the Government.
2. Defendants waived their right to a jury trial because the demand was not served and filed within the time required by Federal Rule of Civil Procedure 38(b)(1) and (d). The court therefore denied the jury demand and retained the matter for a bench trial.

KEY QUOTATIONS

“This alone is dispositive and requires denying the instant Motion.” (at 3)

“A party waives a jury trial unless its demand is properly served and filed.” (at 4)

FACTUAL BACKGROUND

Defendants Tammy Blakey and Flying T Ranch, Inc. filed their answers in February 2024, while the deadline to amend pleadings was April 18, 2024. The case experienced delays related to settlement and a government shutdown, but the amended-pleadings deadline was not changed, and fact-discovery deadlines later passed. Defendants moved more than a year after the amendment deadline to add or revise affirmative defenses and other responses, asserting that later discovery and a change in counsel revealed facts supporting the amendments. They also sought to demand a jury trial after the court had set the matter for a bench trial.

PROCEDURAL HISTORY

The United States filed this action on December 13, 2023. Defendants filed answers on February 13, 2024, and the amended-pleadings deadline was April 18, 2024; after no timely jury demand, the court set the matter for a bench trial. Defendants later moved to add affirmative defenses, amend denials and admissions, and demand a jury trial. The district court denied the motion, concluding that defendants had not acted diligently and that the requested amendments would cause undue delay and prejudice.

DISPOSITION

other

CASES CITED

- *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003)
- *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir. 1990)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Griggs v. Pace Am. Group, Inc.*, 170 F.3d 877, 880 (9th Cir. 1999)
- *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 187 (9th Cir. 1987)
- *Richardson v. United States*, 841 F.2d 993, 999 (9th Cir. 1988)
- *Johnson*, 975 F.2d at 607, 609
- *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1295 (9th Cir. 2000)
- *Acri v. Int'l Ass'n of Machinists & Aerospace Workers*, 781 F.2d 1393, 1398 (9th Cir. 1986)

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