

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Join Digital, Inc. v. Pivium, Inc.

Join Digital · No. 24-cv-09138-HSG · Decided September 17, 2025

SUMMARY

The United States District Court for the Northern District of California grants Plaintiff’s motion for leave to file a second amended complaint. Applying Federal Rule of Civil Procedure 15, the Court finds no undue prejudice, bad faith, undue delay, or other sufficient reason to deny amendment, which would add a negligence claim based on substantially the same facts concerning installation of an audiovisual system. Plaintiff was ordered to file the second amended complaint within three days.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 17, 2025
DOCKET	24-cv-09138-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a second amended complaint adding a negligence claim to existing contract claims. Defendant opposed the motion.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a), leave to amend should be freely granted when justice so requires. The court considers bad faith, undue delay, prejudice, futility, and prior amendments, with prejudice receiving the greatest weight.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential designation.
PARTIES	Join Digital, Inc., et al. v. Pivium, Inc.

TOPICS

- motion to amend
- pleadings
- civil procedure
- contracts
- construction law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a) to file a second amended complaint adding a negligence claim.
2. Whether the proposed amendment should be denied because it would cause undue prejudice, was untimely, or was futile.

HOLDINGS

1. Leave to amend should be freely granted when justice so requires, and absent prejudice or a strong showing of another Foman factor, Rule 15(a) creates a presumption in favor of granting leave.
2. Leave to amend should not be denied on futility grounds when the proposed amendment is not clearly incapable of stating a valid claim; challenges to the merits of the amended pleading generally should be raised after amendment through a motion to dismiss or a motion for summary judgment.
3. The mere fact that an amendment is offered late in a case is insufficient by itself to bar amendment, particularly where the party sought leave by the court-ordered amendment deadline.

KEY QUOTATIONS

“ “[L]eave to amend shall be freely granted ‘when justice so requires.’ ” ” (at 1)

“ “Absent prejudice, or a strong showing of any of the remaining Foman factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend.” ” (at 1)

“ “no set of facts can be proved under the amendment to the pleadings that would constitute a valid and sufficient claim or defense.” ” (at 2)

“ “The merits or facts of a controversy are not properly decided in a motion for leave to amend and should instead be attacked by a motion to dismiss for failure to state a claim or for summary judgment,” ” (at 2)

“ “the mere fact that an amendment is offered late in the case . . . is not enough to bar it.” ” (at 3)

FACTUAL BACKGROUND

The action concerns contract claims arising from Defendant's installation of an audiovisual system. Plaintiff sought to add a negligence claim based on substantially the same material facts alleged in the prior complaints. Defendant argued that amendment would cause prejudice by expanding the case while the parties were conducting discovery, taking depositions, and preparing for mediation.

PROCEDURAL HISTORY

Plaintiff filed the action on December 17, 2024, and filed a first amended complaint on February 11, 2025. The Court's scheduling order set July 30, 2025, as the deadline to amend pleadings. Plaintiff timely moved on June 24, 2025, to file a second amended complaint. The Court granted the motion.

DISPOSITION

other

CASES CITED

- *Townsend v. Univ. of Alaska*, 543 F.3d 478, 485 (9th Cir. 2008)
- *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051-52 (9th Cir. 2003)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Missouri ex rel. Koster v. Harris*, 847 F.3d 646, 656 (9th Cir. 2017)
- *Gregg v. Monastery Camp*, No. 23-CV-02760-AMO, 2024 WL 2304564, at *2 (N.D. Cal. May 21, 2024)
- *LiveCareer Ltd. v. Su Jia Techs. Ltd.*, No. 14-CV-03336-JST, 2015 WL 4089800, at *3 (N.D. Cal. July 2, 2015)
- *United States v. Webb*, 655 F.2d 977, 980 (9th Cir. 1981)

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