

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Paola Castillo v. Costco Wholesale Corporation

Castillo v. Costco · No. 2:25-cv-08119-MWC-SK · Decided October 22, 2025

SUMMARY

The court denied without prejudice Paola Castillo’s motion for leave to file an amended complaint because it was procedurally deficient, including failures to comply with motion-separation, meet-and-confer, and standing-order requirements. The court denied the accompanying motion to remand as moot because it was based on a proposed, nonoperative amended complaint. The court permitted any renewed motion for leave to amend to be filed separately within 21 days.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michelle Williams Court
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 22, 2025
DOCKET	2:25-cv-08119-MWC-SK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file an amended complaint and to remand after Defendant removed the action from state court based on diversity jurisdiction.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 15(a)(2) standard governing leave to amend and evaluated compliance with the court's Local Rules and Standing Order.
PRECEDENTIAL VALUE	Unreported district court order; precedential status not stated and likely nonprecedential.
PARTIES	Paola Castillo v. Costco Wholesale Corporation

TOPICS

- motion to amend
- pleadings
- civil procedure
- ada / disability
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for leave to file an amended complaint should be granted despite its failure to comply with the court's procedural rules and Standing Order.
2. Whether Plaintiff's motion to remand should be decided when the operative complaint had not been amended.

HOLDINGS

1. Leave to amend was properly denied without prejudice because Plaintiff's motion failed to comply with applicable procedural requirements, including the requirement to present separate requests for different relief, adequately explain why amendment was warranted under Rule 15, meet and confer as required by Local Rule 7-3, and provide the amendment information and redlined pleading required by the Standing Order.
2. The request for remand was denied as moot, without prejudice to Plaintiff filing a new motion to remand based on an operative amended complaint.

KEY QUOTATIONS

“providing a legal standard devoid of any application of that standard to the facts of this case is insufficient to put [Defendant], or the Court, on notice of [Plaintiff’s] argument.” (at 2)

“The Court DENIES without prejudice Plaintiff’s Motion with respect to the request for leave to file an amended complaint.” (at 3)

FACTUAL BACKGROUND

Plaintiff initially asserted claims for whistleblower retaliation, disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation for requesting accommodations, and wrongful termination. After Costco removed the case based on diversity jurisdiction, Plaintiff proposed adding her former general manager, allegedly a California citizen, and sought remand on the ground that the proposed amended complaint contained no federal claims and would destroy diversity. Plaintiff's motion did not separately present the requested forms of relief, adequately apply Rule 15 to the facts, satisfy the meet-and-confer requirements, or include the changes and redlined pleading required by the court's Standing Order.

PROCEDURAL HISTORY

Plaintiff filed a six-claim employment-related complaint in California state court on May 14, 2025. Costco removed the action to the Central District of California on August 28, 2025, invoking diversity jurisdiction. Plaintiff then moved for leave to file a proposed amended complaint and to remand. The court denied leave to amend without prejudice because the motion was procedurally deficient and denied the remand request as moot, also without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff may file a compliant, separate motion for leave to amend within 21 days of the order. Plaintiff may bring a motion to remand based on an operative amended complaint.

CASES CITED

- Kraft v. Old Castle Precast Inc., No. LA CV 15-00701-VBF, 2015 WL 11216774, at *2 (C.D. Cal. Aug. 3, 2015)
- Patel v. County of Orange, No. 8:17-cv-01954-JLS-DFM, 2019 WL 4238875, at *3 n.5 (C.D. Cal. June 19, 2019)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

OPINION

Paola Castillo v. Costco Wholesale Corporation

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-08119-MWC-SK Date: October 22, 2025 Title: Paola Castillo v. Costco Wholesale Corporation Present: The Honorable Michelle Williams Court, United States District Judge T. Jackson Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

N/A N/A

Proceedings: (In Chambers) The Court DENIES Plaintiff's motion for leave to file an amended complaint and DENIES as MOOT Plaintiff's motion to remand (Dkt. # 15). Before the Court is Plaintiff Paola Castillo's ("Plaintiff") motion for leave to file an amended complaint and to remand ("Motion"). Dkt. # 15 ("Mot."). Defendant Costco Wholesale Corporation ("Defendant") opposed ("Opposition"), Dkt. # 16 ("Opp."), and Plaintiff replied ("Reply"), Dkt. # 17 ("Reply"). The Court finds this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; L.R. 7-15. After considering the papers, the Court DENIES Plaintiff's motion with respect to the request for leave to file an amended complaint and DENIES as MOOT Plaintiff's motion with respect to the request to remand. I. Background On May 14, 2025, Plaintiff filed a complaint in state court asserting six claims against Defendant: (1) "Whistleblower Retaliation (Violation Of Labor Code § 1102.5),"

(2) "Disability Discrimination (Gov. Code §§ 12940(a),(c)," (3) "Failure To Accommodate (Gov. Code § 12940(m)(1)," (4) "Failure To Engage In The Interactive Process (Gov. Code § 12940(n)," (5) "Retaliation For Requesting Accommodations (Gov. Code § 12940(m)(2)" and (6) "Wrongful Termination." Dkt. # 4, Ex. A ("Compl."). On August 28, 2025, Costco removed the case to this court based on diversity of citizenship jurisdiction. See generally Dkt. # 1 (Notice of

Removal). On September 15, 2025, Plaintiff filed the instant motion for an order granting leave to file the proposed First Amended Complaint and remand the action to state court. Mot.

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-08119-MWC-SK Date: October 22, 2025 Title: Paola Castillo v. Costco Wholesale Corporation 2; Dkt. # 15-1, Ex. 1 (proposed FAC). Plaintiff argues that remand is required because the proposed FAC “includes no federal claims, and at least one of the defendants,” Plaintiff’s former general manager, “is a California citizen.” Mot. 3. II. Discussion The Court finds that Plaintiff’s motion for leave to file an amended complaint is procedurally deficient. First, Plaintiff’s motion should be brought separately from a request for other relief. See L.R. 7-4 (“The notice of motion shall contain a concise statement of the relief or Court action the movant seeks”); Kraft v. Old Castle Precast Inc., No. LA CV 15-00701-VBF, 2015 WL 11216774, at *2 (C.D. Cal. Aug. 3, 2015) (stating motions that “seek different relief based on different authorities . . . are appropriately raised separately.”). Second, Plaintiff cites the liberal standard for granting leave to amend under Rule 15, see Mot. 5:18–22, but does not offer argument or analysis explaining why the Court should permit Plaintiff’s proposed amendment in this case. “[P]roviding a legal standard devoid of any application of that standard to the facts of this case is insufficient to put [Defendant], or the Court, on notice of [Plaintiff’s] argument.” See Patel v. Cnty. of Orange, No. 8:17-cv-01954-JLS-DFM, 2019 WL 4238875, at *3 n.5 (C.D. Cal. June 19, 2019). Third, Plaintiff did not comply with Local Rule 7-3, which requires counsel to meet and confer at least 7 days prior to filing a motion, and to certify with the Court that the parties did so. L.R. 7-3. Here, Plaintiff’s counsel attests that, “[o]n September 11, 2025, Plaintiff emailed the Defense re the possibility of a motion for leave to amend and a motion for remand; and Defense counsel subsequently indicated that they would oppose any such motions.” Dkt. # 15-1 ¶ 4. Defendant’s counsel avers that Defendant did not receive any notice prior to filing. Opp. 4:1-2. Even four days’ notice does not satisfy the requirements for meeting and conferring in this district. Fourth, Plaintiff fails to comply with the Court’s Standing Order, which requires all motions for leave to amend, among other things, “(3) state the page and line number(s) and wording of any proposed change or addition of material; and (4) include as an attachment a ‘redlined’ version of the proposed amended pleading indicating all additions and

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-08119-MWC-SK Date: October 22, 2025 Title: Paola Castillo v. Costco Wholesale Corporation deletions of material.” Dkt. # 11 (Standing Order) ¶ 7.b. Plaintiff has not stated the wording of the proposed change of material nor attached a “redlined” version of the proposed FAC. Plaintiff does not dispute that the motion for leave to amend is procedurally deficient. Instead, Plaintiff characterizes the Court’s standing order and Local Rules as “procedural quibbles” that do not justify denying leave. Reply 2. On the contrary, Plaintiff must show leave to file an amended complaint is appropriate. See Fed. R. Civ. P. 15(a)(2) (if a party may not amend its pleading as a matter of course, it “may amend its pleading only with the opposing party’s written

consent or the court's leave"); see also *Foman v. Davis*, 371 U.S. 178, 182 (1962) (leave may properly be denied where undue delay, bad faith, undue prejudice, or futility are present). III. Conclusion For the foregoing reasons, the Court DENIES without prejudice Plaintiff's Motion with respect to the request for leave to file an amended complaint. Any motion for leave to file an amended complaint should be filed, separate from any other requests for relief, within 21 days of this order. The Court DENIES as MOOT Plaintiff's motion with respect to the request to remand, without prejudice to Plaintiff bringing a motion to remand on an operative complaint. IT IS SO ORDERED. Initials of Preparer TJ