

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Quick v. Centres Villa Limited Partnership**

No. 1:25-cv-00037-BAM (E.D. Cal. Aug. 5, 2025) · No. 1:25-cv-00037-BAM · Decided August 5, 2025

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**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 CHARLES QUICK, Case No. 1:25-cv-00037-BAM 12 Plaintiff, ORDER  
VACATING AUGUST 22, 2025 HEARING 13 v. ORDER GRANTING PLAINTIFF’S MOTION  
14 CENTRES VILLA LIMITED FOR LEAVE TO FILE FIRST AMENDED PARTNERSHIP, et  
al., COMPLAINT 15 Defendants. (Doc. 33) 16 17 Plaintiff Charles Quick asserts that defendants  
violated the Americans with Disabilities 18 Act and California law for the failure to remove  
barriers to access at the Sunflower Marketplace 19 shopping center in Fresno, California.

Currently before the Court is Plaintiff’s motion for leave 20 to file a first amended complaint  
pursuant to Federal Rule of Civil Procedure 15(a). (Doc. 33.) 21 The time for any opposition to  
the motion has expired, and no oppositions have been filed. L.R. 22 230(c) (“Opposition, if any, to  
the granting of the motion shall be in writing and shall be filed and 23 served no later than  
fourteen (14) days after the motion was filed.”).

24 In the absence of any opposition, the matter is deemed submitted on the current record, 25 and  
the hearing set for August 22, 2025, is VACATED. L.R. 230(g). Having considered the 26 moving  
papers, along with the record in this case, Plaintiff’s motion for leave to file a first 27 amended  
complaint will be granted. 28 /// 1 DISCUSSION 2 A. Motion for Leave to File Amended  
Complaint 3 By the instant motion, Plaintiff seeks to allege all barriers to Plaintiff’s access, as  
well as 4 to name an additional defendant, CX Sunflower, LLC. (Doc.

33-1 at 1-2.) As to the alleged 5 barriers to access, Plaintiff explains that he did not learn of all the  
alleged barriers that relate to 6 his disability until a site inspection was conducted on May 14,  
2025, and he received his 7 consultant’s written findings. (Doc. 33-1 at 4.)

As to the additional party, Plaintiff explains that 8 he only recently learned of this allegedly  
responsible property through information obtained from 9 Defendants’ written discovery  
responses. (Id.) 10 B. Legal Standard 11 Plaintiff timely filed his motion seeking leave to amend  
on July 18, 2025, consistent with 12 the Scheduling Conference Order deadline to file stipulated  
amendments or motions to amend the 13 pleadings.

(See Doc. 21 [Amendment to Pleadings: July 18, 2025]). Plaintiff’s motion is 14 therefore  
considered under the Federal Rule of Civil Procedure 15 standard for amendment to the 15

pleadings. *Bencomo v. County of Sacramento*, No. 2:23-cv-00440-DAD-JDP, 2024 WL 382381, 16 at \*1 (E.D. Cal. Jan. 31, 2024) (“Rule 15 of the Federal Rules of Civil Procedure governs 17 amendments to pleadings when the deadline for amendments in the pretrial scheduling order had 18 yet to pass at the time the motion for leave to amend was filed....”); cf. *Coleman v. Quaker 19 Oats Co.*, 232 F.3d 1271, 1294 (9th Cir.

2000) (“Generally, Federal Rule of Civil Procedure 15(a) 20 liberally allows for amendments to pleadings. In this case, however, the district court correctly 21 found that it should address the issue under Federal Rule of Civil Procedure 16 because it had 22 filed a pretrial scheduling order that established a timetable for amending the pleadings, and the 23 deadline had expired before [plaintiffs] moved to amend.”); *Johnson v. Mammoth Recreations, 24 Inc.*, 975 F.2d 604 (9th Cir.

1992) (concluding that motion to amend filed after pretrial scheduling 25 order deadline must satisfy the requirements of Federal Rule of Civil Procedure 16). 26 Rule 15(a) provides that a court “should freely give leave [to amend] when justice so 27 requires.” Fed. R. Civ. P. 15(a)(2).

The United States Supreme Court has stated: 28 [i]n the absence of any apparent or declared reason—such as undue delay, bad 1 faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing 2 party by virtue of allowance of the amendment, futility of amendment, etc. —the leave sought should, as the rules require, be “freely given.” 3 4 *Foman v. Davis*, 371 U.S. 178, 182 (1962).

The intent of the rule is to “facilitate decision on the 5 merits, rather than on the pleadings or technicalities.” *Chudacoff v. Univ. Med. Center of S. Nev.*, 6 649 F.3d 1143, 1152 (9th Cir. 2011). Consequently, the “policy of favoring amendments to 7 pleadings should be applied with ‘extreme liberality.’” *United States v. Webb*, 655 F.2d 977, 979 8 (9th Cir.

1981). 9 Courts consider five factors in determining whether justice requires allowing amendment 10 under Rule 15(a): “bad faith, undue delay, prejudice to the opposing party, futility of 11 amendment, and whether the plaintiff has previously amended the complaint.” *Johnson v. 12 Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004) (citation omitted); *Bonin v. Calderon*, 59 F.3d 815, 13 845 (9th Cir.

1995) (citing *Western Shoshone Nat’l Council v. Molini*, 951 F.2d 200, 204 (9th 14 Cir. 1991)). These factors are not of equal weight as prejudice to the opposing party has long 15 been held to be the most critical factor in determining whether to grant leave to amend. 16 *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (“As this circuit and 17 others have held, it is the consideration of prejudice to the opposing party that carries the greatest 18 weight”); *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir.

1990) (“Prejudice to the 19 opposing party is the most important factor.”). Absent prejudice, or a strong showing of any of 20 the remaining factors, a presumption exists under Rule 15(a) in favor

of granting leave to amend. 21 *Eminence Capital*, 316 F.3d at 1052. 22 C. Analysis 23 In considering the relevant factors, the Court finds that leave to file a first amended 24 complaint should be granted.

First, there is no indication of undue delay. Plaintiff timely filed 25 his motion for leave to amend prior to the expiration of the deadline for amendment of pleadings. 26 Further, the proposed amendments are based upon information obtained after the filing of 27 Plaintiff's initial complaint, either through the site inspection conducted on May 14, 2025, or 28 through written discovery responses received during discovery.

(Doc. 33-1; Doc. 33-2, 1 Declaration of Tanya E. Moore ¶¶ 2, 3.) 2 Second, there will be little prejudice to Defendants in permitting the amendment. The 3 case is still in the early stages of discovery, with a non-expert discovery deadline of December 4 19, 2025, an expert discovery deadline of March 27, 2026, and a trial date of January 26, 2027. 5 (See Doc.

32.) Defendants have not opposed the motion on any basis, including prejudice. 6 Third, there is no indication that amendment is futile. Plaintiff argues that amendment 7 would permit Plaintiff to include a full list of barriers Plaintiff is entitled to have removed and all 8 responsible parties to allow Plaintiff to achieve complete relief through this action.

Defendants 9 have not opposed the motion on futility grounds. 10 Fourth, and finally, there is no indication that the amendment is brought in bad faith, and 11 Plaintiff has not previously amended the complaint. 12 **CONCLUSION AND ORDER** 13 For the reasons discussed above, IT IS **HEREBY ORDERED** that: 14 1. Plaintiff's motion for leave to file a first amended complaint (Doc.

33) is **GRANTED**. 15 2. Within five (5) court days, Plaintiff shall file the First Amended Complaint, a redlined 16 copy of which was attached as Exhibit A to the Declaration of Tanya E. Moore filed in 17 support of the motion. 18 3. Defendants shall file an answer or other responsive pleading in compliance with the 19 Federal Rules of Civil Procedure and any relevant Local Rules following service of 20 the First Amended Complaint.

21 **IT IS SO ORDERED**. 22 23 Dated: August 5, 2025 /s/ Barbara A. McAuliffe \_ UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28