

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Coast Center for Orthopedic and Arthroscopic Surgery, LLC v. West
American Insurance Company

Coast Center · No. 24-cv-2145-RSH-BLM · Decided May 13, 2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to modify the scheduling order and allowed West American Insurance Company to file an amended answer. The court found good cause under Federal Rule of Civil Procedure 16 because a policy defense was discovered during written discovery, and noted the absence of undue delay or opposition.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 13, 2025
DOCKET	24-cv-2145-RSH-BLM
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved for relief from the scheduling order and for leave for Defendant West American Insurance Company to file an amended answer after the deadline for amending pleadings had passed.
STANDARD OF REVIEW	A party seeking to amend a pleading after the scheduling-order deadline must show good cause under Federal Rule of Civil Procedure 16(b); good cause primarily depends on the diligence of the party seeking amendment.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- motion to amend
- affirmative defenses
- civil procedure
- insurance
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the scheduling order should be modified to permit West American Insurance Company to amend its answer after the pleading-amendment deadline.
2. Whether the defendant demonstrated good cause under Federal Rule of Civil Procedure 16(b) for the untimely amendment.

HOLDINGS

1. When a scheduling order establishes a deadline for amending pleadings and that deadline has passed, the party seeking amendment must obtain modification of the scheduling order and demonstrate good cause under Federal Rule of Civil Procedure 16(b), rather than relying solely on Rule 15(a)'s liberal amendment policy.
2. West American demonstrated good cause under Rule 16(b) to amend its answer because counsel discovered during written discovery that a policy defense had not been pleaded, the proposed amendment concerned defenses related to the insurance policy, there was no evidence of undue delay, and the plaintiff did not oppose the motion.

KEY QUOTATIONS

“When a case management scheduling order sets a deadline for amending pleadings and deadline has passed, the liberal policy regarding amendment of pleadings under Rule 15(a) no longer applies.” (at lines 26-5)

“Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” (at lines 8-10)

FACTUAL BACKGROUND

The scheduling order set March 25, 2025, as the deadline for amending pleadings. During written discovery, defense counsel discovered that one of West American's policy defenses had not been pleaded. The proposed amended answer revised one affirmative defense and added another policy defense; the plaintiff did not oppose the motion.

PROCEDURAL HISTORY

The Court entered a scheduling order setting March 25, 2025, as the deadline to amend pleadings. On May 7, 2025, the parties filed a joint motion seeking leave for West American to file an amended answer. The Court found good cause under Federal Rule of Civil Procedure 16 and granted leave to file the amended answer within fourteen days.

DISPOSITION

other

CASES CITED

- Coleman v. Quaker Oats Co., 232 F.3d 1271, 1294 (9th Cir. 2000)
- U.S. ex rel. Technica LLC v. Carolina Cas. Ins. Co., No. 08-CV-01673-H KSC, 2012 WL 1672580, at *3 (S.D. Cal. May 14, 2012)
- Beaver v. Hotels, No. 11CV1842-GPC(KSC), 2016 WL 4142345, at *2 (S.D. Cal. Aug. 4, 2016)
- Johnson v. Mammoth Recreations, 975 F.2d 604, 609 (9th Cir. 1992)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 COAST CENTER FOR ORTHOPEDIC AND Case No.: 24-cv-2145-RSH-
BLM ARTHROSCOPIC SURGERY, LLC dba 12 SHARP SAN DIEGO SURGERY CENTER,
ORDER GRANTING JOINT 13 MOTION FOR LEAVE TO FILE Plaintiff, AMENDED
ANSWER 14 v. 15 [ECF No. 14] WEST AMERICAN INSURANCE 16 COMPANY, et al., 17
Defendants.

18 19 20 Before the Court is the Parties' Joint Motion for Relief from Scheduling Order and 21 for
Leave for Defendant West American Insurance Company to file an Amended Answer. 22 ECF No.
14. On December 16, 2024, the Court issued a Scheduling Order in this case 23 setting the
deadline for the Parties to amend their pleadings to March 25, 2025. ECF No. 24 11 at 2.

On May 7, 2025, the Parties filed the instant Joint Motion requesting that the Court 25 grant leave
for Defendant to file an Amended Answer. ECF No. 14. 26 "Generally, Federal Rule of Civil
Procedure 15(a) liberally allows for amendments 27 to pleadings." Coleman v. Quaker Oats Co.,
232 F.3d 1271, 1294 (9th Cir. 2000).

However, 28 "[w]hen a case management scheduling order sets a deadline for amending pleadings
and 1 deadline has passed, the liberal policy regarding amendment of pleadings under Rule 2 ||
15(a) no longer applies." U.S. ex rel. Technica LLC v. Carolina Cas. Ins. Co., No. 08-CV- 3
||01673-H KSC, 2012 WL 1672580, at *3 (S.D. Cal. May 14, 2012). Instead, under Rule 16, 4
||"[t]o allow the amendment, the scheduling order must be modified, requiring leave of court 5 a
showing of good cause." /d.; see also Beaver v. Hotels, No. 11CV1842-GPC(KSC), 6 ||2016 WL
4142345, at *2 (S.D.

Cal. Aug. 4, 2016) ("Because the pleading amendment 7 || deadline has long passed, Defendants
bear the burden of showing "good cause" to amend 8 ||the answer under Rule 16(b)."). "Rule
16(b)'s 'good cause' standard primarily considers 9 || the diligence of the party seeking the
amendment." Johnson v. Mammoth Recreations, 975 10 || F.2d 604, 609 (9th Cir. 1992).

11 Here, Defendant has demonstrated good cause to amend its answer under Federal 12 ||Rule of
Civil Procedure 16. Defense counsel represents counsel only realized one of 13 ||Defendant's
policy defenses was not pleaded during the course of obtaining written 14 discovery. ECF No. 14

at 2. Consistent with this representation, the Amended Answer 15 revises one of Defendant's affirmative defenses and pleads an additional policy defense.

16 ||ECF No. 14-2 at 8-9. There is no evidence of undue delay. Plaintiff does not oppose 17 || Defendant's request. /d. In addition, the time that has elapsed since the Court's deadline to 18 ||amend pleadings and the filing of the Parties' Joint Motion is not unreasonably lengthy. 19 For the reasons above, the Court GRANTS Defendant leave to file its Amended 20 Answer (attached as Exhibit 1 of the Parties' Joint Motion, ECF No. 14- 21 || 1), within fourteen (14) days of this Order.

22 IT IS SO ORDERED. 23 || Dated: May 13, 2025 □ 24 eke z § Howe 25 Hon. Robert S. Huie
United States District Judge 26 27 28