

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

OPINION

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

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

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11 COAST CENTER FOR ORTHOPEDIC AND Case No.: 24-cv-2145-RSH-BLM
ARTHROSCOPIC SURGERY, LLC dba

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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