

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Timothy Talamante v. Chris Piaete, et al.

Talamante · No. 3:24-CV-00509-ART-CLB · Decided December 16, 2025

SUMMARY

The United States District Court for the District of Nevada granted Plaintiffs’ motion for leave to file an amended complaint in a consolidated civil rights action alleging exposure to carbon monoxide at Northern Nevada Correctional Center. The court found no bad faith, undue delay, prejudice, or futility, and directed the Clerk to file the amended complaint as the operative complaint.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 16, 2025
DOCKET	3:24-CV-00509-ART-CLB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file an amended complaint after related civil-rights actions were consolidated. Defendants opposed the motion by arguing that class certification should be denied.
STANDARD OF REVIEW	Leave to amend under Rule 15(a)(2) should be freely given when justice so requires, with the relevant factors generally considered in favor of amendment.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Timothy Talamante, James Lowe, Eric Buhl, Tehki Santiago Bill, Dennis Garcia, Justin Johnson v. Chris Piaete, et al.

TOPICS

- motion to amend
- class actions
- pleadings
- section 1983
- civil procedure

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner civil rights
- Class actions

QUESTIONS PRESENTED

1. Whether plaintiffs should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file an amended complaint after consolidation of related actions.
2. Whether the court should deny leave to amend because the proposed class allegations were allegedly improper or because class certification could not yet be addressed.

HOLDINGS

1. Leave to amend should be granted because the Rule 15 factors—bad faith, undue delay, prejudice, and futility—all weigh in favor of amendment.
2. The challenge to the proposed class allegations was premature at the pleading stage; class certification should ordinarily be addressed after sufficient discovery and a rigorous analysis of the Rule 23 requirements.

KEY QUOTATIONS

“Courts consider the following four factors when determining whether to grant a motion to amend: (1) “bad faith;” (2) “undue delay;” (3) “prejudice to the opposing party;” and/or (4) “futility.”” (at 1)

“The “better and more advisable practice” is to reach the issue of class certification only once the parties have conducted “enough discovery” “to present evidence as to whether a class action [is] maintainable.”” (at 2)

FACTUAL BACKGROUND

Several incarcerated plaintiffs alleged that they were exposed to carbon monoxide while working in the culinary facility at Northern Nevada Correctional Center. Their related § 1983 actions were consolidated to streamline litigation. Plaintiffs sought to amend their complaint to consolidate the claims and plaintiffs into one pleading, add class allegations and defendants, and incorporate newly discovered factual information. Defendants did not argue that the amendment would cause prejudice or otherwise object to amendment, instead contending that class certification should be denied.

PROCEDURAL HISTORY

Several incarcerated plaintiffs filed separate 42 U.S.C. § 1983 actions alleging exposure to carbon monoxide while working in a culinary facility at Northern Nevada Correctional Center. The cases were consolidated, and plaintiffs moved to amend to combine the claims, add class allegations and defendants, and include newly discovered facts. The district court granted leave to amend, directed the Clerk to file the proposed amended complaint as the operative complaint, and set deadlines for service-related notices and defendants' responses.

DISPOSITION

other

CASES CITED

- *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003)
- *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001)
- *Griggs v. Pace Am. Grp., Inc.*, 170 F.3d 877, 880 (9th Cir. 1999)
- *Picus v. Wal-Mart Stores, Inc.*, 256 F.R.D. 651, 655 (D. Nev. 2009)
- *Doninger v. Pac. Nw. Bell, Inc.*, 564 F.2d 1304, 1313 (9th Cir. 1977)
- *In re Wal-Mart Stores, Inc. Wage & Hour Litig.*, 505 F. Supp. 609, 615 (N.D. Cal. 2007)
- *Zinser v. Accufix Rsch. Inst., Inc.*, 253 F.3d 1180, 1185 (9th Cir. 2001)
- *Valentino v. Carter-Wallace, Inc.*, 97 F.3d 1227, 1233 (9th Cir. 1996)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 * * * 4 TIMOTHY TALAMANTE, Case No. 3:24-CV-00509-ART-CLB 5 Plaintiff, ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO 6 v. FILE AMENDED COMPLAINT 7 CHRIS PIAETE, et al., [ECF No. 50] 8 Defendants. 9 10 Between November 2024 and May 2025, several plaintiffs incarcerated at Northern 11 Nevada Correctional Center filed civil rights actions under 42 U.S.C. § 1983 alleging they 12 were exposed to carbon monoxide while working in the culinary facility.

(ECF Nos. 50 at 13 2; 53 at 2.) To streamline litigation in these cases the Court ordered them consolidated.¹ 14 (ECF No. 39.) Plaintiffs Timothy Talamante, James Lowe, Eric Buhl, Tehki Santiago Bill, 15 Dennis Garcia, and Justin Johnson (collectively referred to as “Plaintiffs”) now move the 16 Court for leave to file an amended complaint. (ECF No. 50.)

For the reasons discussed 17 below, Plaintiffs’ motion is granted. 18 Once litigation in a case has commenced, a party may only amend their complaint 19 with the opposing party’s consent or, if the opposing party objects, with the court’s leave. 20 Fed. R. Civ. Pro. 15(a)(2).

In the latter cases, courts “should freely give leave when justice 21 so requires.” *Id.* The Ninth Circuit has held that “[t]his policy is ‘to be applied with extreme 22 liberality.’” *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) 23 (quoting *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001)). 24 Courts consider the following four factors when determining whether to grant a motion to 25 amend: (1) “bad faith;” (2) “undue delay;” (3) “prejudice to the opposing party;” and/or (4) 26 27 1 The following cases were consolidated with this case: (1) 3:24-CV-00510-ART- CLB; (2) 3:24-CV-00580-MMD-CLB; (3) 3:25-CV-00130-ART-CLB; (4) 3:25-CV-00233- 1 “futility.” *Griggs v. Pace Am.*

Grp., Inc., 170 F.3d 877, 880 (9th Cir. 1999). “Generally, this 2 determination should be performed with all inferences in favor of granting the motion.” *Id.* 3 Here, Plaintiffs seek leave to amend to: (1) consolidate all claims raised in the 4 various cases; (2) add class action allegations pursuant to

Federal Rule of Civil Procedure 5 23; (3) name additional defendants; and (4) add additional factual allegations based on 6 newly discovered information.

(ECF No. 50 at 4-6.) Plaintiffs argue the Court should grant 7 the motion because doing so will not cause Defendants any prejudice and amendment is 8 necessary for Plaintiffs to obtain full relief. (Id. at 6.) Defendants do not argue they would 9 be prejudiced by Plaintiffs' proposed amendment or otherwise object.² 10 The Court finds the four factors outlined above each weigh in favor of amendment.

11 Plaintiffs seek leave to amend in good faith following the consolidation of related cases, 12 and granting leave to amend would not cause any undue delay or prejudice given the 13 early stage of litigation the case is in.

Finally, amendment is not futile; if anything, 14 amendment in this context is necessary to consolidate all claims and plaintiffs into a single 15 operative complaint. 16 /// 17 /// 18 19 2 In their opposition, Defendants argue the Court should deny class certification rather than arguing the Court should deny leave to amend. (ECF No. 53 at 5-8.) 20 Defendants' motion is premature.

Rule 23 states a court must certify a class action at "an early practicable time" once litigation commences. Here, litigation has not commenced, 21 at least with respect to the class action allegations. Defendants are in essence seeking 22 to dismiss Plaintiffs' class allegations at the pleading stage, which "should be done rarely." *Picus v. Wal-Mart Stores, Inc.*, 256 F.R.D.

651, 655 (D. Nev. 2009). The "better and more 23 advisable practice" is to reach the issue of class certification only once the parties have conducted "enough discovery" "to present evidence as to whether a class action [is] 24 maintainable." *Doninger v. Pac. Nw. Bell, Inc.*, 564 F.2d 1304, 1313 (9th Cir. 1977); see also *In re Wal-Mart Stores, Inc. Wage and Hour Litig.*, 505 F. Supp. 609, 615 (N.D.

Cal. 25 2007) (collecting cases finding class certification cannot be addressed without sufficient 26 discovery). Indeed, the Court is required to conduct a "rigorous analysis" when determining whether class certification is appropriate, something it cannot do on this 27 record. *Zinser v. Accufix Rsch. Inst., Inc.*, 253 F.3d 1180, 1185 (9th Cir. 2001) (citing *Valentino v. Carter-Wallace, Inc.*, 97 F.3d 1227, 1233 (9th Cir.

1996)). The issue of class CONCLUSION 2 IT IS THEREFORE ORDERED that Plaintiffs' motion for leave to amend, (ECF No. 50), is GRANTED. 4 IT IS FURTHER ORDERED that the Clerk of Court shall FILE Plaintiffs' amended 5 | complaint, (ECF No. 50 at 9-34), which is now the operative complaint in this case. 6 IT IS FURTHER ORDERED that within 21 DAYS from the date of this order the 7 | Attorney General's Office shall file a notice advising Plaintiffs and the Court of whether it 8 | can or cannot accept service on behalf of the Defendants listed in Plaintiffs' amended 9 | complaint.

(See ECF No. 50 at 13-15.) 10 IT IS FURTHER ORDERED that Defendants shall file and serve an answer or otherwise respond to the amended complaint within 60 DAYS from the date of this order. 12 DATED: December 16, 2025. 13 14 UNITED CS Darra JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28