

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Padre (alias) and Junior (alias), on behalf of themselves and all others
similarly situated v. MVM, Inc.

Padre v. MVM, Inc. · No. 3:24-cv-01265; Case No. 24cv1265 DMS (AHG) · Decided December 4, 2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiffs’ motion for leave to file a First Amended Class Action Complaint. The court applies Federal Rule of Civil Procedure 15 and concludes that, despite undue delay, the factors of bad faith, prejudice, and futility do not overcome the presumption favoring amendment.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 4, 2025
DOCKET	3:24-cv-01265; Case No. 24cv1265 DMS (AHG)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to file a first amended class action complaint after the court dismissed certain claims as time-barred and allowed amendment to cure equitable-tolling pleading deficiencies. The court granted leave to amend.
STANDARD OF REVIEW	The motion to amend was evaluated under Federal Rule of Civil Procedure 15(a), including the Foman factors of undue delay, bad faith, prejudice, and futility. The court also considered procedural compliance under Federal Rule of Civil Procedure 7(b)(1)(B) and Civil Local Rule 7.1(f)(1).
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive but not precedential outside the case.
PARTIES	Padre (alias), Junior (alias) v. MVM, Inc.

TOPICS

motion to amend

class actions

civil procedure

statute of limitations

PRACTICE AREAS

civil procedure

civil rights

torts

QUESTIONS PRESENTED

1. Whether the court should deny Plaintiffs' motion for leave to amend because the motion failed to comply with Federal Rule of Civil Procedure 7(b)(1)(B) and Civil Local Rule 7.1(f)(1).
2. Whether adding different plaintiffs to claims previously dismissed as to Padre and Junior would improperly resurrect dismissed claims.
3. Whether undue delay, bad faith, prejudice, or futility required denial of leave to amend under Federal Rule of Civil Procedure 15(a).

HOLDINGS

1. Although Plaintiffs failed to comply with Federal Rule of Civil Procedure 7(b)(1)(B) and Civil Local Rule 7.1(f)(1), the court declined to deny the motion solely on those procedural grounds.
2. The prior dismissal of the Section 1985, Section 1986, and intentional-infliction-of-emotional-distress claims as to Padre and Junior did not bar newly proposed plaintiffs from asserting those claims.
3. Leave to amend should be granted because Defendant failed to make a sufficient showing of bad faith, undue prejudice, or futility, despite some undue delay.

KEY QUOTATIONS

“in the absence of any apparent or declared reason -- such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. -- the leave sought should, as the rules require, be “freely given.”” (p. 4)

“it is the consideration of prejudice to the opposing party that carries the greatest weight.” (p. 4)

“The policy at issue remains the same, as does Defendant’s role in carrying out that policy.” (p. 6)

FACTUAL BACKGROUND

Plaintiffs' original complaint asserted claims under the Alien Tort Statute, 42 U.S.C. §§ 1985 and 1986, California law, and intentional infliction of emotional distress. The court previously dismissed the Section 1985, Section 1986, and intentional-infliction-of-emotional-distress claims as time-barred and found no pleaded facts supporting equitable tolling. Plaintiffs later proposed adding different plaintiffs for those claims and adding a California Civil Code Section 52.1 claim. Defendant opposed amendment based on procedural noncompliance, delay, prejudice, and futility.

PROCEDURAL HISTORY

Plaintiffs filed a class action complaint on July 23, 2024. The court granted in part and denied in part Defendant's motion to dismiss on March 3, 2025, dismissing the Section 1985, Section 1986, and intentional-infliction-of-emotional-distress claims as time-barred while allowing amendment to plead equitable tolling. Plaintiffs did not amend by the March 14 deadline, but later moved on July 9, 2025, to add different plaintiffs and assert an additional California Civil Code Section 52.1 claim. The court granted the motion for leave to amend.

DISPOSITION

other

CASES CITED

- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 186-87 (9th Cir. 1987)
- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 953 (9th Cir. 2006)
- Jackson v. Bank of Hawaii, Jackson v. Bank of Hawaii, 902 F.2d 1385, 1388 (9th Cir. 1990)
- Woods v. Google LLC, No. 11-cv-01263-EJD, 2018 WL 4030570, at *10 (N.D. Cal. Aug. 23, 2018)