



## Epstein et al v. Bellevue School District

2019 | Cited 0 times | W.D. Washington | October 29, 2019

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

AT SEATTLE HENRY EPSTEIN and KYLE CHRISTIAN MARTINEZ,

Plaintiffs, v. BELLEVUE SCHOOL DISTRICT,

Defendant.

Case No. 2:19-cv-01007-RAJ ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO AMEND

I. INTRODUCTION Before the Court is Plaintiffs' motion for leave to amend. Dkt. # 12. For the reasons below, Plaintiffs' motion is GRANTED.

II. BACKGROUND On June 14, 2019, Plaintiffs filed this lawsuit in King County Superior Court alleging a Fourteenth Amendment substantive due process claim; and negligence. Dkt. # 1-1. On June 27, 2019, Defendant removed the case to federal court. Dkt. # 1. On August 30, 2019, Plaintiffs filed this motion for leave to amend their complaint to remove their Fourteenth Amendment claim. Dkt. # 12.

III. LEGAL STANDARD Amendment to pleadings is governed by Federal Rule of Civil Procedure 15(a). Rule 15(a) "provides that a party's right to amend as a matter of course terminates 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). "In exercising this discretion, a court must be guided by the underlying purpose of Rule 15 to facilitate a decision on the merits, rather than on the pleadings or technicalities." *Roth v. Garcia Marquez*, 942 F.2d 617, 628 (9th Cir. 1991); *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981). Further, the policy of favoring amendments to pleadings should be applied with "extreme liberality." *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987).

IV. DISCUSSION Plaintiffs are requesting for leave of court to amend their Complaint to dismiss



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their Fourteenth Amendment claim, thereby leaving the negligence claim as the basis for their lawsuit against Defendant. Dkt. # 12. The Court finds no evidence of bad faith and there have been no previous requests made by Plaintiffs to amend the Complaint. Additionally, there are no other motions or orders filed or pending in this case. As such, Defendant would not be prejudiced by the amendment given the early stage of the litigation. Given the liberal policy of favoring amendments to pleadings, the Court GRANTS Plaintiff's motion.

V. CONCLUSION For the reasons stated above, the Court GRANTS Plaintiffs' motion. Dkt. #. 12. Within 14 days of this Order, the parties are to submit a joint statement not to exceed 5 pages as to why this case should not be dismissed for lack of subject matter jurisdiction.

DATED this 29th day of October, 2019.

A The Honorable Richard A. Jones United States District Judge

