

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Darcie Bell and Timothy Bell,
Plaintiffs

v.

Case No. 14-cv-551-SM
Opinion No. 2016 DNH 158

Upper Connecticut Valley
Hospital Association d/b/a
Upper Connecticut Valley
Hospital and Dartmouth
Hitchcock Medical Center,
Defendants

O R D E R

Plaintiffs seek leave of the court to file an amended complaint. Defendants object, claiming the deadline for amending the pleadings, as established in the court's original scheduling order, passed more than six months before plaintiffs filed the pending motion. See Parties' Discovery Plan (document no. 14), approved and adopted as the court's scheduling order on April 1, 2015. And, say defendants, plaintiffs have not shown "good cause" for their failure to amend the complaint before that deadline passed, as required by Fed. R. Civ. P. 16.

Defendants' reliance upon the court's original scheduling order (and plaintiffs' silence on the issue) is a bit puzzling since the court has amended that order several times, each time

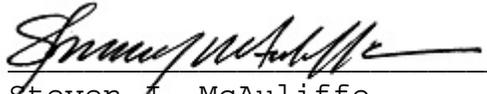
extending various pre-trial deadlines. The most recent scheduling order adopted by the court specifically provides that plaintiffs may amend their complaint through June 1, 2016. See Motion to Extend Time (document no. 21), granted by order dated April 26, 2016.

Plaintiffs' pending motion to amend was filed on May 6, 2016 - plainly before the June 1 deadline established by the court. Yet, in their motion, plaintiffs ignore that revised deadline. And, defendants barely acknowledge it, referencing it only once (in a footnote) in Dartmouth Hitchcock's memorandum. There, Dartmouth Hitchcock suggests that, despite explicit language to the contrary, "the parties never intended to extend the November, 2015 date originally outlined in the parties' Joint Discovery Plan for amendment of the Complaint." Defendant's memorandum (document no. 36) at 1 n.1. That claim is, however, completely undeveloped and appears to be inconsistent with earlier representations made by Dartmouth Hitchcock. See Partial Objection to Motion to Extend (document 22) at 1 (in which Dartmouth Hitchcock noted that, "We can agree to an extended schedule" for "everything but the trial date.") (emphasis supplied).

The court approved and entered a scheduling order that permitted plaintiffs to amend their complaint on or before June

1, 2016. Their pending motion to amend was filed prior to that deadline. That motion (document no. 29) is granted. See Fed. R. Civ. P. 15(a)(2).

SO ORDERED.



Steven J. McAuliffe
United States District Judge

September 8, 2016

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