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9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CHRISTOPHER J. CORDOVA,

12 Plaintiff,

13 vs.

14 JONATHAN HUDON-HUNEALD,  
 15 NNEKA OHIRI, 14693663 CANADA  
 16 INC.,

17 Defendants.

Case No. 25-cv-04685-VKD

**HON. VIRGINIA K. DEMARCHI**

**PLAINTIFF’S NOTICE OF MOTION  
 AND MOTION FOR LEAVE TO  
 FILE SECOND AMENDED  
 COMPLAINT**

**HEARING:**

Date: March 31, 2026

Time: 10:00 a.m.

Place: 280 South 1<sup>st</sup> St.

Courtroom 2 (5<sup>th</sup> Floor)

San Jose, CA 95113

**NOTICE OF MOTION**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on March 31, 2026, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 2 (5th Floor) of the Honorable Virginia K. DeMarchi, United States Magistrate Judge, at the Robert F. Peckham Federal Courthouse, 280 South First Street, San Jose, California 95113, Plaintiff Christopher J. Cordova (“Plaintiff”) will and hereby does move the Court for an order granting leave to file a Second Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2).

Plaintiff seeks leave to amend for two limited purposes:

1. To add a claim for copyright infringement concerning the work titled *FEDERAL COURTHOUSE FAIL!!! Threatened with arrest for recording and not one officer identifies!* (“*Courthouse Fail*”), which was registered with the U.S. Copyright Office on February 6, 2026 (effective October 15, 2026), with Plaintiff receiving notice of registration on February 9, 2026 (Reg. No. PA0002565781); and

2. To conform the pleadings to this newly registered work and the statutory rights that became available only after the filing of the operative complaint.

The proposed amendments are narrow and corrective and do not expand the scope of this action, add any new parties, or introduce new theories of liability. Rather, they reflect the intervening events outside Plaintiff’s control, namely, the issuance and notice of copyright registration, that now permit Plaintiff to assert an infringement claim that could not previously be pled.

This Motion is made on the following grounds:

1. Plaintiff acted diligently in seeking leave to amend promptly after receiving notice of the *Courthouse Fail* registration;

2. The proposed amendment is based on newly accrued statutory rights and could not have been asserted earlier;

3. The amendment will not prejudice Defendants, who have long been on notice of the underlying conduct involving *Courthouse Fail*; and

1 4. Leave to amend is liberally granted under Federal Rule of Civil Procedure  
2 15(a)(2), and no factors such as bad faith, undue delay, futility, or prejudice are present  
3 here.

4 This Motion is based upon this Notice of Motion and Motion, the accompanying  
5 Memorandum of Points and Authorities, the Declaration of Randall S. Newman, the  
6 pleadings and papers on file in this action, the proposed Second Amended Complaint  
7 submitted concurrently herewith, and such further evidence and argument as may be  
8 presented at or before the hearing.

9 **STATEMENT OF ISSUES TO BE DECIDED**

10 1. Whether leave to amend should be granted under Rule 15(a)(2) to permit  
11 Plaintiff to assert an infringement claim for *Courthouse Fail* based on a copyright  
12 registration issued after the filing of the operative complaint.

13  
14 Dated: February 10, 2026

15 /s/ Randall S. Newman  
16 Randall S. Newman, Esq. (SBN 190547)  
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21 *Attorney for Plaintiff,*  
22 *Christopher J. Cordova*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff respectfully moves for leave to file a Second Amended Complaint pursuant  
4 to Federal Rule of Civil Procedure 15(a)(2) in the form attached as Exhibit A to the  
5 Declaration of Randall S. Newman (Newman Decl.”). The proposed amendment is limited  
6 in scope and seeks only to: (1) add an infringement claim for *Courthouse Fail* to Count  
7 One based on a copyright registration issued after the filing of the First Amended  
8 Complaint; and (2) remove the declaratory relief claim concerning *Courthouse Fail* in light  
9 of this Court’s decision in *Cordova v. Huneault*, No. 25-cv-04685-VKD, 2026 WL 184598  
10 (N.D. Cal. Jan. 23, 2026).

11 Although this Motion is not brought within the amendment deadline set by the  
12 Court’s Case Management Order (“CMO”), Plaintiff timely sought relief from that  
13 deadline. On January 30, 2026, Plaintiff filed a Motion to Amend the CMO to extend the  
14 deadline for amended pleadings (ECF No. 66). The proposed amendment is narrow and  
15 corrective, is based on newly accrued statutory rights arising from the issuance of a  
16 copyright registration, and will not prejudice Defendants, who were already aware that  
17 *Courthouse Fail* was the subject of a pending registration.

18 Consistent with Rule 15(a)(2)’s liberal standard favoring amendment, and in the  
19 absence of bad faith, undue delay, futility, or prejudice, leave to amend should be granted.

20 **II. PROCEDURAL BACKGROUND**

21 Plaintiff filed the operative First Amended Complaint on November 3, 2025 (ECF  
22 No. 39). On November 4, 2025, the Court entered a CMO setting February 2, 2026 as the  
23 deadline to amend pleadings (ECF No. 41).

24 At the time the First Amended Complaint was filed, Plaintiff had submitted the work  
25 titled *Courthouse Fail* to the United States Copyright Office but had not yet received a  
26 registration. Because registration is a statutory prerequisite to asserting a claim for  
27 copyright infringement, Plaintiff could not assert an infringement claim for *Courthouse*  
28 *Fail* at that time.

1 On January 30, 2026, prior to the CMO amendment deadline, Plaintiff filed a Motion  
2 to Amend the Case Management Order seeking a limited extension of the amendment  
3 deadline to permit amendment once the *Courthouse Fail* registration issued (ECF No. 66).  
4 That motion remains pending.

5 On February 6, 2026, the United States Copyright Office issued a registration for  
6 *Courthouse Fail* (Reg. No. PA0002565781). Plaintiff received notice of the issuance on  
7 February 9, 2026. (Newman Decl. ¶ 7).

8 Plaintiff now seeks leave to amend promptly after registration issued to assert the  
9 corresponding infringement claim and to conform the pleadings to intervening  
10 developments. Plaintiff intends to have this Motion and the pending Motion to Amend the  
11 CMO heard together on March 31, 2026.

### 12 **III. LEGAL STANDARD UNDER RULE 15(a)(2)**

13 Federal Rule of Civil Procedure 15(a)(2) provides that leave to amend should be  
14 freely granted “when justice so requires.” Courts consider several factors in evaluating a  
15 motion for leave to amend, including undue delay, bad faith, prejudice to the opposing  
16 party, and futility of amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

17 The Ninth Circuit applies Rule 15’s policy of permitting amendments with extreme  
18 liberality. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987); *Ascon*  
19 *Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989). Prejudice to the  
20 opposing party is the most important factor, and absent prejudice, or a strong showing of  
21 the remaining factors, there is a presumption in favor of granting leave to amend. *DCD*  
22 *Programs*, 833 F.2d at 187.

23 Where a motion to amend is filed after the deadline set by a scheduling order, Rule  
24 16(b)(4)’s “good cause” standard applies. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d  
25 604, 607–08 (9th Cir. 1992). Good cause focuses primarily on the diligence of the party  
26 seeking amendment.

27 Here, Plaintiff has already sought relief from the CMO deadline by way of a pending  
28 Motion to Amend the CMO (ECF No. 66), and the present Motion is based on intervening

1 events outside Plaintiff's control, namely, the issuance of a copyright registration after the  
2 amendment deadline.

#### 3 **IV. ARGUMENT**

##### 4 **A. Leave to Amend Should Be Granted Because the Amendment is Based on** 5 **a Newly Issued Copyright Registration**

6 Plaintiff seeks leave to amend to add an infringement claim for *Courthouse Fail*  
7 based on a copyright registration that issued on February 6, 2026, with notice received on  
8 February 9, 2026. (Newman Decl. ¶ 7). Plaintiff could not have asserted this claim earlier  
9 because registration is a statutory prerequisite to suit.

10 Plaintiff should be granted leave to amend to assert a claim that could not be asserted  
11 at the time of the operative pleading and became available only after an intervening event,  
12 including the accrual of new statutory rights. *See AmerisourceBergen Corp. v. Dialysist*  
13 *West, Inc.*, 465 F.3d 946, 951 (9th Cir. 2006).

14 Here, Plaintiff could not assert an infringement claim for *Courthouse Fail* until the  
15 copyright registration issued on February 6, 2026, with notice received on February 9, 2026.  
16 Plaintiff acted diligently by promptly seeking leave to amend within days after the  
17 registration issued and by previously moving to amend the CMO in anticipation of that  
18 issuance. Under these circumstances, leave to amend is appropriate under Rule 15(a)(2).  
19 *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (good cause  
20 satisfied where amendment is based on matters that “could not have been reasonably met  
21 despite the diligence of the party seeking the extension”).

22 These facts satisfy Rule 15(a)(2)'s liberal standard and, to the extent applicable, Rule  
23 16(b)(4)'s diligence-based “good cause” requirement.

##### 24 **B. The Proposed Amendment is Narrow and Does Not Expand the Scope of** 25 **the Case**

26 The proposed Second Amended Complaint makes a single substantive change: it  
27 adds an infringement claim for *Courthouse Fail* based on a newly issued registration. The  
28 amendment does not introduce new factual allegations, new parties, or new theories of

1 liability. Instead, it asserts statutory rights that accrued after the filing of the First Amended  
2 Complaint based on the same underlying conduct already at issue in this case.

3 Because the amendment is narrow and corrective, it falls squarely within the purpose  
4 of Rule 15.

5 **C. Defendant Will Suffer No Prejudice From the Proposed Amendment**

6 Defendants have long been on notice of the conduct underlying Plaintiff’s claims  
7 involving *Courthouse Fail* and were aware that its copyright registration was pending.  
8 Allowing Plaintiff to amend to assert an infringement claim now will not alter the litigation  
9 posture, require additional discovery beyond what is already contemplated, or delay the  
10 proceedings.

11 In the absence of prejudice, leave to amend should be freely granted.

12 **D. There is No Bad Faith, Futility, or Other Basis to Deny Leave**

13 Plaintiff seeks amendment in good faith to reflect newly accrued statutory rights and  
14 intervening developments. The proposed infringement claim is legally cognizable, not  
15 futile on its face, and supported by the facts already alleged. None of the factors that would  
16 justify denial of leave to amend are present here.

17 **V. CONCLUSION AND REQUESTED RELIEF**

18 For the foregoing reasons, Plaintiff respectfully requests that the Court grant leave  
19 to file the proposed Second Amended Complaint attached as Exhibit A to the Newman  
20 Decl. A redline copy of the proposed Second Amended Complaint compared to the First  
21 Amended Complaint is attached as Exhibit B to the Newman Decl.

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Dated: February 10, 2026

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