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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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George H. Larson,

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No. CV-10-185-PHX-DGC

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Plaintiff,

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**ORDER**

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vs.

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United Natural Foods West , Inc.; and  
Sysco Arizona, Inc.,

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Defendants.

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On July 15, 2010, Plaintiff filed an amended complaint that adds Sysco Arizona, Inc. as a Defendant. Doc. 35. Defendant United Natural Foods West, Inc. has filed a motion to strike the complaint on the ground that it was filed without consent or leave of Court as required by Rule 15 of the Federal Rules of Civil Procedure. Doc. 36. Plaintiff claims that based on discussions at the case management conference held on June 9, 2010 (Doc. 32), he reasonably believed that Defendant consented to the filing of the amended complaint. Doc. 38. He requests in the alternative leave of Court to file the complaint. *Id.*

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Rule 15 makes clear that the Court “should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). The policy in favor of leave to amend must not only be heeded by the Court, *see Foman v. Davis*, 371 U.S. 178, 182 (1962), it must be applied with extreme liberality, *see Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 880 (9th Cir. 2001). This liberality “is not dependent on whether the amendment will add causes of action or parties.” *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987).

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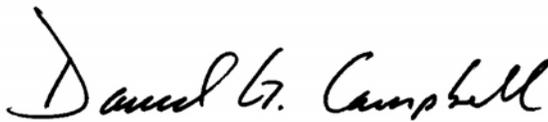
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Pursuant to Rule 15(a)(2), and in the interest of justice, the Court will grant Plaintiff leave to file the amended complaint (Doc. 35). Defendant's motion to strike (Doc. 36) will be denied.

**IT IS ORDERED:**

1. Plaintiff is **granted** leave to file his amended complaint (Doc. 35).
2. Defendant's motion to strike (Doc. 36) is **denied**.

DATED this 25<sup>th</sup> day of August, 2010.



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David G. Campbell  
United States District Judge