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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Bernadine Bouckhout,

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No. CV-10-02703-PHX-NVW

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Plaintiff,

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**ORDER**

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vs.

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Wyeth, LLC, et al.,

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Defendants.

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Before the Court is the Motion for Leave to File Plaintiff’s First Amended

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Complaint (Doc. 31).

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Leave to amend should be freely given “when justice so requires.” Fed. R. Civ. P.

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15(a)(2). Plaintiff seeks leave to amend her complaint to affirmatively plead the

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discovery rule and fraudulent concealment to avoid Defendants’ possible contention that

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she may not rely on those doctrines to respond to their defense that her claim is barred by

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a statute of limitations.

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Defendants oppose the motion to amend, contending that the proposed amendment

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is futile. Their arguments are primarily directed to the merits of their limitations defense

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and Plaintiff’s potential response, which the Court does not decide here. Defendants do

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not allege that granting the motion to amend would cause unfair surprise or undue


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prejudice.

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1 IT IS THEREFORE ORDERED that the Motion for Leave to File Plaintiff's First  
2 Amended Complaint (Doc. 31) is granted. Plaintiff shall file and serve her First  
3 Amended Complaint forthwith.

4 DATED this 18<sup>th</sup> day of July, 2011.

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Neil V. Wake  
United States District Judge

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