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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Shirley Addante,
Plaintiff,
vs.
JP Morgan Chase, N.A. and California
Reconveyance Co.,
Defendants.

No. CV 11-02374-PHX-FJM

ORDER

We have before us plaintiff's motion for leave to file first amended complaint (doc. 10) defendants' response (doc. 11), and plaintiff's reply (doc. 15). We also have before us defendants' motion to dismiss (doc. 5).

When a party seeks to amend their complaint, we "should freely give leave when justice so requires." Rule 15(a)(2), Fed. R. Civ. P. Reasons counseling against granting leave to amend include "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of amendment." Foman v. Davis, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). "[I]t is the consideration of prejudice to the opposing party that carries the greatest weight." Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003).

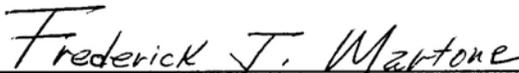
Plaintiff's amended complaint drops one claim and does not allege any new causes of

1 action. Her proposed changes mostly bring the factual allegations up to date and shorten or
2 reword her allegations. As a result, little prejudice will result if plaintiff is allowed to
3 amend.

4 **IT IS ORDERED GRANTING** plaintiff's motion for leave to file a first amended
5 complaint (doc. 10). Plaintiff shall file and serve it pursuant to LRCiv 15.1.

6 Because the amended complaint replaces the original complaint, **IT IS FURTHER**
7 **ORDERED DENYING** defendants' motion to dismiss as moot (doc. 5).

8 DATED this 23rd day of March, 2012.

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 Frederick J. Martone
12 United States District Judge
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