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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Inter123 Corporation,

10 Plaintiff,

11 v.

12 Chadi Ghaith,

13 Defendant.

No. CV-14-00463-PHX-DGC

**ORDER**

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15 Plaintiff Inter123 Corporation has filed a motion for leave to file a second  
16 amended complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure.  
17 Doc. 40. Defendant Chadi Ghaith has not responded. The Court will grant the motion.

18 Rule 15 makes clear that the Court “should freely give leave [to amend] when  
19 justice so requires.” Fed. R. Civ. P. 15(a)(2). The policy in favor of leave to amend must  
20 not only be heeded, *see Foman v. Davis*, 371 U.S. 178, 182 (1962), it must be applied  
21 with extreme liberality, *see Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 880  
22 (9th Cir. 2001). This liberality “is not dependent on whether the amendment will add  
23 causes of action or parties.” *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th  
24 Cir. 1987). The Court may deny a motion to amend if there is a showing of undue delay  
25 or bad faith on the part of the moving party, undue prejudice to the opposing party, or  
26 futility of the proposed amendment. *See Foman*, 371 U.S. at 182. Generally, however,  
27 “this determination should be performed with all inferences in favor of granting the  
28 motion.” *Griggs v. Pace Am. Group, Inc.*, 170 F.3d 877, 880 (9th Cir. 1999).

1 Plaintiff seeks to amend its complaint to add an additional claim against Mr.  
2 Ghaith for fraudulent conveyance under A.R.S. § 44-1004, and an additional defendant,  
3 Lawrence Darwish, to the fraudulent conveyance claim. Doc. 40 at 3. Because  
4 Defendant has not responded to the motion, there has been no showing of undue delay,  
5 bad faith, undue prejudice, or futility. The Court will therefore grant the motion.

6 **IT IS ORDERED:**

7 1. Plaintiff's motion to amend (Doc. 40) is **granted**. Plaintiff shall file its  
8 amended complaint on or before **June 3, 2014**.

9 2. Plaintiff's motion for ruling (Doc. 41) is **denied as moot**.

10 Dated this 28th day of May, 2014.

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15 David G. Campbell  
16 United States District Judge  
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