

O

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 MYMEDICALRECORDS, INC.,

12 Plaintiff,

13 v.

14 QUEST DIAGNOSTICS, INC.,

15 Defendant.

Case No. 2:13-cv-02538-ODW(SHx)

**ORDER STRIKING FIRST  
AMENDED COMPLAINT [13];  
ORDER TO SHOW CAUSE RE.  
LACK OF PROSECUTION**

16 On September 12, 2013, Plaintiff MyMedicalRecords, Inc. filed a First  
17 Amended Complaint against Defendant Quest Diagnostics, Inc., adding an additional  
18 patent-infringement claim—more than 21 days after MyMedicalRecords served Quest  
19 Diagnostics on July 24, 2013. (ECF No. 13.) MyMedicalRecords thus needed either  
20 Quest Diagnostics's written consent or leave of court in order to amend its Complaint.  
21 Fed. R. Civ. P. 15(a)(2). MyMedicalRecords obtained neither. The Court accordingly  
22 **STRIKES** Plaintiff's First Amended Complaint (ECF No. 13).

23 Since MyMedicalRecords served Quest Diagnostics on July 24, 2013, Quest's  
24 answer was due on August 14, 2013. The parties initially stipulated to extend the time  
25 Quest had to file its answer to September 13, 2013. (ECF No. 10.) On September 11,  
26 2013, the parties attempted to file another stipulation to extend Quest's time to  
27 answer. (ECF No. 11.) But the Court denied that stipulation. (ECF No. 12.) Despite  
28 its answer being due on September 13, 2013, Quest has not yet answered.

1 And neither has MyMedicalRecords moved for entry of default. The Court  
2 therefore **ORDERS** MyMedicalRecords to **SHOW CAUSE** by **Monday, September**  
3 **23, 2013**, why this case should not be dismissed for lack of prosecution. No hearing  
4 will be held. The Court will discharge the Order to Show Cause upon either the filing  
5 of Quest's answer or a request for entry of default filed with the Clerk of Court.

6 **IT IS SO ORDERED.**

7  
8 September 16, 2013

9  
10 

11 **OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28