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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|-----------------------------------|
| DARRELL ANGEL, |) | 1:10cv0890 LJO DLB |
| |) | |
| |) | |
| |) | ORDER GRANTING PLAINTIFF’S MOTION |
| Plaintiff, |) | FOR LEAVE TO FILE FIRST AMENDED |
| |) | COMPLAINT |
| |) | (Document 13) |
| v. |) | |
| |) | |
| GOLDEN VALLEY TRANSPORT, LLC, |) | |
| |) | |
| |) | |
| Defendant. |) | |

Plaintiff Darrell Angel (“Plaintiff”) filed the instant motion for leave to file a first amended complaint on October 28, 2010. Defendant Golden Valley Transport, LLC, filed a notice of non-opposition on November 19, 2010. On November 29, 2010, the Court deemed the matter suitable for determination without oral argument and took the motion off calendar pursuant to Local Rule 230(g).

Discussion

Plaintiff filed this action concerning wage and hour related allegations on May 14, 2010. Pursuant to the Court’s Scheduling Order, all amendments or motions to amend pleadings were to be filed on or before October 29, 2010. (Doc. 12) Plaintiff filed the motion to amend prior to the cut-off date.

1 In the motion, Plaintiff alleges that he is a class representative. Pursuant to Federal Rule
2 of Civil Procedure 15, Plaintiff seeks leave to file an amended complaint clarifying the classes
3 that he claims to represent. Rule 15(a) provides that the Court "should freely give leave [to
4 amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). Defendant has filed a statement of
5 non-opposition. Therefore, the motion for leave to file a first amended complaint is GRANTED.
6 Plaintiff SHALL file the first amended complaint within seven (7) days of this order.

7 IT IS SO ORDERED.

8 **Dated: November 29, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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