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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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11 **UNITED STATES OF AMERICA,**

Case No. 1:15-cv-1900-AWI-SKO

12 Plaintiff,

**ORDER GRANTING MOTION TO  
AMEND COMPLAINT**

13 v.

14 **GIBSON WINE CO.,**

(Docs. 32, 33)

15 Defendant.  
16 \_\_\_\_\_/

17 On November 23, 2016, Gibson Wine Company (“Gibson”) filed a motion for leave to  
18 file a motion to strike and a motion to strike certain portions of the United States’ original  
19 complaint. Doc. 32. Those motions were apparently filed in anticipation of the United States  
20 filing an amended complaint. Two days later, the United States filed a motion to amend their  
21 complaint. Doc. 33. On November 28, 2016, Gibson withdrew its motion to strike and voiced its  
22 non-opposition to the United States’ motion to amend its complaint. The Court will grant the  
23 United States’ unopposed motion to amend its complaint.

24 Under Federal Rule of Civil Procedure 15(a)(1), a party may amend a pleading once as a  
25 matter of course within 21 days of the earlier of (A) service of the complaint or (B) service of a  
26 motion under Rule 12(b), (e), or (f). “In all other cases, a party may amend its pleading only with  
27 the opposing party’s written consent or the court’s leave.” Fed.R.Civ.P. 15(a)(2).

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1 The United States' original complaint was filed on December 19, 2015, and Gibson's  
2 answer was filed on February 26, 2016. The time for filing as a matter of course has run.  
3 However, Gibson has given written consent to the amendment. *See* Doc. 33-7 at 3. Moreover,  
4 amendment of the complaint is consistent with the liberal policy favoring amendment. A Court  
5 should grant leave to amend should be freely granted "when justice so requires." Fed. R. Civ. P.  
6 15(a)(2). The Ninth Circuit has instructed that the policy favoring amendments "is to be applied  
7 with extreme liberality." *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th  
8 Cir.1990).

9 Leave to amend is GRANTED pursuant to Federal Rule of Civil Procedure 15(a)(2).

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11 IT IS SO ORDERED.

12 Dated: November 29, 2016

  
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13 SENIOR DISTRICT JUDGE