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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RACHEL LOBATO,)	No. 1:16-cv-00953-LJO-EPG
Plaintiff,)	
vs.)	ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT
CNC APEX CORP. dba FOSTER'S FREEZE,)	
et al.,)	(ECF No. 15)
Defendants.)	

19 Having carefully considered the unopposed Motion of Plaintiff Rachel Lobato
20 ("Plaintiff") for leave to file her First Amended Complaint, the papers submitted, and the
21 pleadings in this action, the Court hereby GRANTS the Motion to Amend the Complaint.
22 (ECF No. 15)

23 Under Federal Rule of Civil Procedure 15(a), leave to amend should be freely given
24 when justice so requires. Fed. R. Civ. P. 15(a). "In the absence of any apparent or declared
25 reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated
26 failure to cure deficiencies by amendments previously allowed, undue prejudice to the
27 opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the
28 leave sought should, as the rules require, be 'freely given.'" *Eminence Capital, LLC v. Aspeon,*

1 Inc., 316 F.3d 1048, 1052 (9th Cir. 2003) (quoting *Foman v. Davis*, 371 U.S. 178, 182, 83
2 S.Ct. 227, 9 L.Ed.2d 222 (1962)).

3 Plaintiff sought to amend her complaint within the time set forth in the Court's
4 scheduling order. Such amendment does not alter or change any date set by the Court in such
5 Order. Plaintiff has demonstrated to the satisfaction of the Court that the amendment is not the
6 result of undue delay or bad faith, and that no prejudice will befall Defendants in permitting
7 the amendment.

8 The motion was filed on January 13, 2017 (ECF No. 15), and Defendants did not
9 oppose to the motion, and 14 days have now passed. *See* CAED-LR 230(c).

10 Accordingly, Plaintiff shall file her First Amended Complaint, a copy of which was
11 attached as Exhibit A to her motion, no later than five (5) court days after the filing of this
12 Order. Defendants shall thereafter file a responsive pleading in accordance with Federal Rule
13 of Civil Procedure 15(a)(3).

14 The motion hearing set for February 10, 2017, at 10 a.m. is VACATED.

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16 IT IS SO ORDERED.

17 Dated: February 7, 2017

18 /s/ Eric P. Gray
19 UNITED STATES MAGISTRATE JUDGE
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