

1 As previously stated, on December 21, 2017, Plaintiff filed a motion for leave to file a second
2 amended complaint, along with a copy of the proposed second amended complaint which was lodged
3 by the Court. Defendant did not file an opposition and the time period to do so has expired.
4 Accordingly, Plaintiff's motion to amend is deemed submitted for review without oral argument.
5 Local Rule 230(l).

6 **II.**
7 **DISCUSSION**

8 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's
9 pleading once as a matter of course twenty-one days after serving, or if a response was filed, within
10 twenty-one days after service of the response. Fed. R. Civ. P. 15(a)(1). Otherwise, a party may
11 amend only by leave of the court or by written consent of the adverse party, and leave shall be freely
12 given when justice so requires. Fed. R. Civ. P. 15(a)(2).

13 Rule 15(a) is very liberal and leave to amend 'shall be freely given when justice so requires.'" AmerisourceBergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quoting Fed. R.
14 Civ. P. 15(a)). However, courts "need not grant leave to amend where the amendment: (1) prejudices
15 the opposing party; (2) is sought in bad faith; (3) produces an undue delay in the litigation; or (4) is
16 futile." AmerisourceBergen Corp., 465 F.3d at 951. Relevant to the futility factor, a plaintiff may not
17 bring unrelated claims against unrelated parties in a single action. Fed. R. Civ. P. 18(a), 20(a)(2);
18 Owens v. Hinsley, 635 F.3d 950, 952 (7th Cir. 2011); George v. Smith, 507 F.3d 605, 607 (7th Cir.
19 2007). The burden to demonstrate prejudice falls upon the party opposing the amendment. DCD
20 Programs, Ltd. v. Leighton, 833 F.2d 183, 187 (9th Cir. 1987). Absent prejudice, or a strong showing
21 of any of the remaining three factors, a presumption exists under Rule 15(a) in favor of granting leave
22 to amend. Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003). Further,
23 undue delay alone is insufficient to justify denial of a motion to amend. Bowles v. Reade, 198 F.3d
24 752, 758 (9th Cir. 1999).

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26 Plaintiff seeks to amend the complaint because she has obtained the assistance of another
27 person. Plaintiff's proposed second amended complaint sets forth in factual detail the allegations
28 against Defendant Showalter that Lipitor was improperly prescribed to treat Plaintiff's high level of

