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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 AMERICAN SAFETY SERVICES, INC.,

12 Plaintiff,

13 v.

14 MICHAEL JOHNSON, et al.,

15 Defendants.
16

No. 1:18-cv-00349-DAD-JLT

ORDER GRANTING LEAVE TO FILE
AMENDED COMPLAINT

(Doc. No. 6)

17 On March 13, 2018, the court issued an order consolidating the cases entitled *American*
18 *Safety Services, Inc. v. Michael Johnson, et al.*, No. 1:18-cv-00349-LJO-JLT and *Gene Moseley*
19 *et al. v. Michael Johnson, et al.*, No. 1:18-cv-00344-DAD-JLT. (Doc. No. 5.) On March 27,
20 2018, the parties filed a stipulation to allow plaintiff to file a First Amended Complaint. (Doc.
21 No. 6.)

22 The Federal Rules of Civil Procedure provide that district courts “should freely give
23 leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Nevertheless, leave to amend need not
24 be granted where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith;
25 (3) produces an undue delay in litigation; or (4) is futile. *See Amerisource Bergen Corp. v.*
26 *Dialysist W., Inc.*, 465 F.3d 946, 951 (9th Cir. 2006) (citing *Bowles v. Reade*, 198 F.3d 752, 757
27 (9th Cir. 1999)). “Prejudice to the opposing party is the most important factor.” *Jackson v. Bank*
28 *of Haw.*, 902 F.2d 1385, 1387 (9th Cir. 1990) (citing *Zenith Radio Corp. v. Hazeltine Research,*

1 *Inc.*, 401 U.S. 321, 330–31 (1971)).

2 Here, nothing before the court suggests bad faith or undue delay on the part of the
3 plaintiff. Because the parties have stipulated to the proposed amendment, the court concludes
4 there is no prejudice to defendants. Accordingly, the court finds good cause to grant plaintiff
5 leave to amend the complaint.

6 For the reasons set forth above,

- 7 1. Pursuant to the parties' stipulation (Doc. No. 6), plaintiff is granted leave to file a
8 First Amended Complaint;
- 9 2. Plaintiff shall file the First Amended Complaint within ten days of the date of
10 service for this order; and
- 11 3. Within twenty-one days from the date of service of plaintiff's First Amended
12 Complaint, defendants shall file a responsive pleading thereto.

13 IT IS SO ORDERED.

14 Dated: **March 28, 2018**

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17 UNITED STATES DISTRICT JUDGE
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