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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WESTERN SURETY COMPANY,
a South Dakota corporation,

Plaintiff,

No. 2:08-cv-02718-MCE-DAD

v.

ORDER

AUTO AMERICA, INC., a California corporation; MOCTEZUMA TOVAR, an individual; PENELEEYU TOVAR, an individual; WACHOVIA DEALER SERVICES, INC., a California corporation; TRUCK CITY AUTO SALES, INC., a California corporation; FIRESIDE BANK, a California corporation; LOBEL FINANCIAL CORPORATION, a California corporation; YOLO FEDERAL CREDIT UNION, a business entity, form unknown, CALIFORNIA DEPARTMENT OF MOTOR VEHICLES, a California state agency; and DOES 1-100, inclusive,

Defendants.

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This is an action in interpleader brought by Plaintiff Western Surety Company with regard to a bond it issued on the operations of Defendant Auto America, Inc., a motor vehicle dealership.

1 In the wake of numerous claims and conflicting claims brought
2 against Plaintiff's bond well in excess of its maximum \$50,000.00
3 amount, Plaintiff has interpled that total bond obligation with
4 the Court and named all those asserting claims on the bond as
5 Defendants along with the dealership itself and its owners.
6 Plaintiff now seeks to amend its complaint to add a newly
7 discovered additional claimant, Dealer Services Corporation, a
8 Delaware corporation, as a Defendant. That request is made
9 pursuant to Federal Rule of Civil Procedure 15(a).

10 Leave to amend a party's pleadings should generally be
11 freely given under Rule 15(a), and no opposition to Plaintiff's
12 Motion has been made. Consequently, good cause appearing
13 therefor, Plaintiff's Motion for Leave to File a First Amended
14 Complaint is GRANTED.¹ The April 8, 2010 hearing on said Motion
15 is accordingly vacated. Plaintiff shall file and serve its
16 proposed First Amended Complaint not later than ten (10) days
17 following the date this Order is electronically filed with the
18 Court.

19 IT IS SO ORDERED.

20 Dated: March 31, 2010

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 78-230(h).