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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

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12 DANIEL MAJOR EDSTROM, and TERI  
13 ANNE EDSTROM,

CIV. NO. S-10-105 FCD/KJM

14 Plaintiffs,

15 v.

MEMORANDUM AND ORDER

16 NDEX WEST, LLC, AMERICA'S  
17 SERVICING COMPANY, MORTGAGE  
18 ELECTRONIC REGISTRATION  
19 SYSTEM, and DOES 1-10,000,

20 Defendants.

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22 This matter is before the court on plaintiffs Daniel and  
23 Teri Edstrom's motion for leave to file a second amended  
24 complaint ("SAC") adding additional defendants. (Docket #27.)<sup>1</sup>

25 <sup>1</sup> Plaintiffs also sought leave to file a SAC to assert  
26 facts establishing a basis for application of equitable tolling  
27 with regard to their claims asserted against defendants America's  
28 Servicing Company ("ASC") and Mortgage Electronic Registration  
System ("MERS"). The court previously ruled on plaintiffs'  
pending motion to dismiss. (Docket #40.) The court granted ASC  
and MERS' motion to dismiss without leave to amend, leaving  
defendant NDEX, West, LLC ("NDEX") as the sole remaining

(continued...)

1 Finding good cause to permit the amendment under Federal Rule of  
2 Civil Procedure 15(a), and considering that no opposition was  
3 filed to the motion, the court HEREBY GRANTS plaintiffs' motion.<sup>2</sup>  
4 Plaintiff shall file and serve an SAC within 20 days of the date  
5 of this Order; the SAC shall comply with both the instant order  
6 and the court's previous order of October 18, 2010 (Docket #40),  
7 dismissing defendants ACS and MERS. Defendants, including NDEX,<sup>3</sup>  
8 shall have 30 days after service of the SAC to file their  
9 response thereto.

10 IT IS SO ORDERED.

11 DATED: November 23, 2010



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12 FRANK C. DAMRELL, JR.  
13 UNITED STATES DISTRICT JUDGE  
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21 <sup>1</sup>(...continued)  
22 defendant. Thus, now pending is only whether plaintiffs should  
23 be permitted leave to amend to name additional defendants.

24 <sup>2</sup> Because oral argument will not be of material  
25 assistance, the court orders this matter submitted on the briefs.  
E.D. Cal. L.R. 230(g).

26 <sup>3</sup> On October 6, 2010, NDEX filed an answer to plaintiff's  
27 proposed SAC, filed September 30, 2010 (Docket #33). However,  
28 the court had not yet granted plaintiffs leave to file a SAC; as  
such, the court construes NDEX's answer (Docket #38) as a  
response to plaintiff's first amended complaint. NDEX may  
respond to plaintiffs' SAC in accordance with this order.