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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARY FEEZOR,)	Case No. 2:10-cv-00899 JAM-CMK
)	
Plaintiff,)	
)	ORDER GRANTING PLAINTIFF'S
v.)	MOTION TO AMEND THE SECOND
)	AMENDED COMPLAINT
PNS STORES, INC. dba BIG LOTS)	
#04105, et al.)	
)	
Defendants.)	

This matter comes before the Court on Plaintiff Lary Feezor's ("Plaintiff") Motion to Amend his Second Amended Complaint pursuant to Federal Rules of Civil Procedure 15 and 16 (Doc. #24). Defendant PNS Stores, Inc. dba BIG LOTS #04105 ("PNS") did not oppose Plaintiff's Motion to Amend.¹

Plaintiff filed the pending Motion to Amend on May 4, 2011. Subsequently, on May 23, 2011, this Court adopted a stipulation of dismissal and ordered Plaintiff's Second Amended Complaint dismissed with prejudice as to Defendants West Lane Properties, Inc. and Metzger Management Company (Doc. #26).

¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g). The hearing was originally scheduled for July 20, 2011.

1 PNS, the only remaining Defendant in this case, did not file
2 a statement of non-opposition to Plaintiff's Motion to Amend.
3 Local Rule 230(c) requires a party responding to a motion to file
4 either an opposition to the motion, or a statement of non-
5 opposition, no less than fourteen (14) days preceding the noticed
6 hearing date. Local Rule 110 authorizes the Court to impose
7 sanctions for "failure of counsel or of a party to comply with
8 these Rules." Therefore, the Court will sanction PNS' counsel
9 \$150.00 unless they show good cause for their failure to comply
10 with the Local Rules.
11

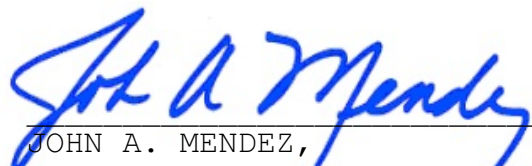
12 ORDER

13 After carefully considering the papers submitted in this
14 matter, it is hereby ordered that Plaintiff's Motion to Amend the
15 Second Amended Complaint is GRANTED and Plaintiff's Third Amended
16 Complaint (Doc. #24, Exhibit A) is deemed filed as of the date of
17 this Order. In light of this Court's May 23, 2011 order, the Third
18 Amended Complaint is adopted as to PNS only.

19 It is further ordered that within ten (10) days of this Order
20 PNS's counsel shall either: (1) pay sanctions of \$150.00 to the
21 Clerk of the Court, or (2) submit a statement of good cause
22 explaining their failure to comply with Local Rule 230(c).

23 IT IS SO ORDERED.

24 Dated: July 20, 2011

25 
26 _____
27 JOHN A. MENDEZ,
28 UNITED STATES DISTRICT JUDGE