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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

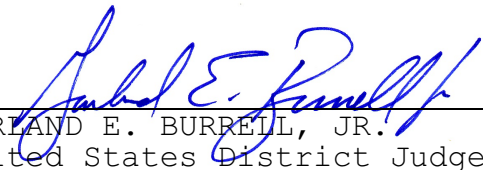
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|---------------------------------|---|----------------------------------|
| DOUGLAS C. DUIN, |) | |
| |) | 2:10-cv-2150-GEB-EFB |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER GRANTING MOTION FOR</u> |
| |) | <u>LEAVE TO FILE AMENDED</u> |
| DALE ELAINE McCORMICK, |) | <u>COMPLAINT</u> |
| individually and as Personal |) | |
| Representative of the ESTATE OF |) | |
| ROBERT A. McCORMICK, Deceased; |) | |
| JOHN G. STEFFES, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff moves for leave to file an amended complaint under Federal Rule of Civil Procedure ("Rule") 15(a)(2) to name the "Estate of Robert A. McCormick, Deceased" as a defendant in place of present Defendant "DALE ELAINE MCCORMICK as the legal representative of the estate of Robert A. McCormick." (Pl.'s Mot. to Amend, 2:21-25.) Plaintiff argues the requested substitution is sought in accordance with California Probate Code sections 550, et seq. Id.

The motion is unopposed, and there is no evidence of bad faith or undue delay by Plaintiff in seeking the requested amendment. Therefore, the motion is GRANTED. Plaintiff has five (5) days from the

1 date on which this order is filed to file the proposed amended
2 complaint, which is attached as Exhibit 1 to his motion.

3 Dated: March 24, 2011

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6 GARLAND E. BURRELL, JR.
United States District Judge

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