IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Nou Lee, Bor Pha, Plaintiffs, v. Yia Yang, Yia Yang d.b.a. Yia's Auto Sales, Yia Yang d.b.a. Platinum Financial, Yia's Auto Sales, Inc., Great American Insurance Company, Defendants.	2:12-cv-01580-GEB-DAD ORDER STRIKING SECOND AMENDED COMPLAINT*

Defendant Great American Insurance Company ("Great American") moves for an order that would dismiss Plaintiffs' Second Amended Complaint ("SAC") under Federal Rule of Civil Procedure ("Rule") 41(b) or, alternatively, that would strike any allegation in the SAC that relates to Great American under Rule 12(f). (ECF No. 36.) Great American argues the SAC should be dismissed since it was not filed within the leave period granted in a dismissal order, and Plaintiffs did not obtain Defendant's consent to file the SAC.

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

The record reveals Plaintiffs were without authority to file the Second Amended Complaint; therefore this complaint is stricken, and Defendant's motion is denied as moot.

Dated: January 30, 2013

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