

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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CAROLINA CASUALTY INSURANCE  
COMPANY,

CIV. NO. 2:13-01378 WBS AC

## ORDER

Plaintiff,

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OAHU AIR CONDITIONING  
SERVICE, INC. dba OAHU AIR  
CONDITIONING CO., PACIFIC  
COMMERCIAL SERVICES, LLC.,  
MATSON NAVIGATION COMPANY,  
INC., and DOES 1 through 100.

### Defendants.

AND RELATED THIRD-PARTY AND  
COUNTER CLAIMS.

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Defendant and third-party plaintiff Oahu Air Conditioning Service, Inc. ("OAC") seeks leave of court to amend its third-party complaint to name additional third-party defendants. Plaintiff filed a statement of non-opposition to

1 OAC's motion to amend, (Docket No. 131), and none of the  
2 remaining parties in this matter opposed the motion, (see Oahu's  
3 Mot. at 2:22-23 (Docket No. 123) ("OAC understands that none of  
4 the current parties in the litigation oppose OAC's motion  
5 to amend its third-party complaint.").

6 Having read OAC's brief and in light of the absence of  
7 any opposition to its motion, the court concludes that oral  
8 argument is unnecessary. The court will therefore vacate the  
9 hearing set for May 4, 2015 and take the matter under submission  
10 pursuant to Eastern District Local Rule 230(g).

11 OAC represents that it now seeks leave to amend because  
12 its discovery and investigation has identified other generators  
13 that allegedly caused or contributed to the environmental  
14 contamination giving rise to plaintiff's response costs. Because  
15 nothing suggests that OAC was not diligent in seeking leave to  
16 amend and the trial is not set to commence until one year from  
17 now, the court finds good cause under Fed. R. Civ. P. 16(b) to  
18 grant OAC's unopposed motion to amend its third-party complaint.  
19 See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607-08  
20 (9th Cir. 1992).

21 IT IS THEREFORE ORDERED that OAC's motion for leave to  
22 file an amended third-party complaint be, and the same hereby is,  
23 GRANTED. OAC shall file its amended third-party complaint within  
24 three days of the date of this Order.

25 Dated: April 27, 2015

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27 WILLIAM B. SHUBB  
28 UNITED STATES DISTRICT JUDGE