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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL and
the TOXIC SUBSTANCES CONTROL
ACCOUNT,

Plaintiffs,

v.

JIM DOBBAS, INC., a
California corporation;
CONTINENTAL RAIL, INC., a
Delaware corporation; DAVID
VAN OVER, individually;
PACIFIC WOOD PRESERVING, a
dissolved California
corporation; and WEST COAST
WOOD PRESERVING, LLC, a
Nevada limited liability
company,

Defendants,

AND RELATED COUNTERCLAIMS AND
CROSS-CLAIMS.

CIV. NO. 2:14-595 WBS EFB

ORDER RE: MOTIONS FOR LEAVE TO
FILE COUNTERCLAIMS

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Before the court are three motions for leave to file
amended pleadings. (Docket Nos. 87, 90, 94.) All three ask for

1 leave pursuant to Federal Rules of Civil Procedure 15 to bring
2 cross-claims against a defendant recently added to this case,
3 Collins & Aikman Products LLC ("C&A Products").¹ See Fed. R.
4 Civ. P. 15(a)(2) ("[A] party may amend its pleading only with the
5 opposing party's written consent or the court's leave. The court
6 should freely give leave when justice so requires.").

7 First, defendant Jim Dobbas, Inc. ("Dobbas") seeks
8 leave to bring cross-claims against C&A Products as well as to
9 correct typographical errors and clarify allegations against
10 current cross-defendants. (See Dobbas's Mem. at 3-4 (Docket No.
11 87-1).) Second, defendant West Cost Wood Preserving ("WCWP")
12 moves for leave to add cross-claims against C&A Products.

13 (Docket No. 90.) Third, defendant David van Over ("van Over")
14 also moves for leave to add claims against C&A Products. (Docket
15 No. 94.)

16 Plaintiffs California Department of Toxic Substances
17 Control ("DTSC") and the Toxic Substances Control Account
18 ("TSCA") filed a notice of non-opposition to all three motions.
19 (Docket No. 96.) Dobbas also filed a statement of non-opposition
20 to all motions. (Docket No. 98.)

21 IT IS THEREFORE ORDERED that:

- 22 (1) Defendant Jim Dobbas, Inc.'s motion for leave to file a
23 First Amendment Cross-Claim be, and the same hereby is,
24 GRANTED;

25
26 ¹ On December 10, 2014, the court gave leave to
27 plaintiffs to file a First Amended Complaint adding C&A Products
28 as a defendant after plaintiffs discovered evidence of potential
applicable insurance coverage. (Docket No. 75.)

1 (2) Defendant West Coast Wood Preserving's motion for leave
2 to file an amended Answer including new cross-claims be,
3 and the same hereby is, GRANTED;

4 (3) Defendant David van Over's motion for leave to file a
5 First Amendment Cross-Claim be, and the same hereby is,
6 GRANTED.

7 Dated: February 3, 2015

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9 **WILLIAM B. SHUBB**
10 **UNITED STATES DISTRICT JUDGE**
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