

1 dismissed Omni Medical, LLC, with prejudice. Voluntary Dismissal, ECF No. 15; Order
2 Confirming Dismissal, ECF No. 16. No remaining defendant opposes the motion.

3 The federal rules mandate that leave to amend “be freely given when justice so
4 requires.” Fed. R. Civ. P. 15(a). “This policy is to be applied with extreme liberality.” *Eminence*
5 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (citation and quotation marks
6 omitted). Before granting leave, a court considers any potential bad faith, delay, or futility
7 regarding the proposed amendment, and the potential prejudice to the opposing party. *Foman v.*
8 *Davis*, 371 U.S. 178, 182 (1962); *see also Smith v. Pac. Prop. Dev. Co.*, 358 F.3d 1097, 1101 (9th
9 Cir. 2004). “The party opposing amendment bears the burden of showing prejudice.” *DCD*
10 *Programs, Ltd. v. Leighton*, 833 F.2d 183, 187 (9th Cir. 1987). Absent prejudice, there is a strong
11 presumption in favor of granting leave to amend. *Eminence Capital*, 316 F.3d at 1052.

12 Here, plaintiff attaches to her motion a redlined version of the proposed amended
13 complaint. ECF No. 9, Ex. A. The only substantive alteration is changing “Omni Medical, LLC”
14 to “CPI-Omni Medical, a Delaware Limited Liability Company.” *Id.* Because the remaining
15 defendants do not oppose this motion, and because the court is aware of no prejudice or delay that
16 would result from allowing this amendment, plaintiff’s motion is GRANTED. The second
17 amended complaint shall be filed within seven days of this order.

18 IT IS SO ORDERED.

19 This resolves ECF No. 9.

20 DATED: August 8, 2017.

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UNITED STATES DISTRICT JUDGE