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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD STAYCHOCK, and  
KATHLEEN MACKAY STAYCHOCK,  
  
Plaintiff,  
  
v.  
  
SAFECO INSURANCE COMPANY OF  
ILLINOIS and DOES 1 through 10  
inclusive,  
  
Defendants.

No. 2:17-cv-01012-KJM-CMK

ORDER

Plaintiffs initially filed this lawsuit in state court, styled as a breach of contract case. ECF No. 1-2. Defendant removed the case to this court in May 2017. ECF No. 1. On October 9, 2017, plaintiffs moved for leave to file a first amended complaint (“FAC”). Mot., ECF No. 14. Plaintiffs have attached a copy of their Proposed FAC, in which they reframe the case in terms of trademark infringement. *See* Proposed FAC, Ex. A, ECF No. 14-2. Defendant, having reviewed the Proposed FAC, has filed a statement of non-opposition. ECF No. 21. As explained below, the court GRANTS this unopposed motion.

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

10           This is plaintiffs’ first request for leave to amend. Considering Rule 15(a)’s liberal  
11 amendment policy, the early phase of this litigation, and defendant’s non-opposition, the court  
12 GRANTS plaintiffs’ request. Plaintiffs shall file their Proposed FAC on the docket as the First  
13 Amended Complaint within seven days.

14           IT IS SO ORDERED.

15           This order resolves ECF No. 14.

16           DATED: November 30, 2017.

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20           UNITED STATES DISTRICT JUDGE