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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
1011 KFD ENTERPRISES, INC., a California
12 Corporation dba Norman's Dry Cleaners,

13 Plaintiff,

14 v.

15 CITY OF EUREKA,

16 Defendant
17 _____/

No. C-08-4571 MMC

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE FOURTH
AMENDED COMPLAINT; VACATING
DECEMBER 3, 2010 HEARING**

18 Before the Court is plaintiff KFD Enterprises Inc's ("KFD") Motion for Leave to File
19 Fourth Amended Complaint, filed October 15, 2010. The City of Eureka, R.R. Street & Co,
20 Inc., Firbimatic SpA, Multimatic LLC, and the Kirrberg Corporation have filed statements of
21 non-opposition; no other response to the motion has been filed. As set forth below,
22 however, the motion nonetheless will be denied.


23 On November 12, 2010, the Court granted in part, and with leave to amend, two
24 motions to dismiss KFD's Third Amended Complaint. (See Doc. Nos. 332, 333.) A review
25 of KFD's proposed Fourth Amended Complaint reveals that the proposed pleading suffers
26 from at least some of the same deficiencies found in KFD's Third Amended Complaint.

27 Accordingly, KFD's Motion for Leave to File Fourth Amended Complaint is hereby
28 DENIED, without prejudice to KFD's filing a Fourth Amended Complaint in accordance with
the Court's orders of November 12, 2010.

1 In light of the above, the hearing on the motion, currently scheduled for December 3,
2 2010, is hereby VACATED.

3 **IT IS SO ORDERED.**

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5 Dated: November 22, 2010


MAXINE M. CHESNEY
United States District Judge