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8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

11
 12 REGINA LYNN MARIOLLE
 13
 14 Plaintiff,

15 v.

16 VOLVO GROUP NORTH
 17 AMERICA, INC.;
 18 CONSOLIDATED METCO, INC.;
 19 AMSTED INDUSTRIES, INC.;
 20 AND DOES 1 through 25, inclusive
 21 Defendants.

CASE NO. C-09-4250 MMC

**~~[PROPOSED]~~ ORDER GRANTING
 STIPLUATION FOR FILING
 AMENDED COMPLAINT AND TO
 SET TIME FOR RESPONSIVE
 PLEADING**

22 WHEREAS, plaintiff Regina Mariolle (“Plaintiff”) filed a First Amended
 23 Complaint on January 22, 2010;

24 WHEREAS, on January 20, 2010 this Court adopted the Pre-Trial Order of
 25 related Case No. C-09-1209, Raymond P. Mariolle v. Volvo Group North
 26 America, Inc. et al, which set January 8, 2010 as the last day to amend pleadings;

27 WHEREAS Plaintiff also filed her First Amended Complaint later than 21
 28 days after defendants Volvo Trucks North America, Inc., Consolidated Metco,

1 Inc., and Amsted Industries Inc. ("Defendants") filed a Rule 12(b) motion against
2 her Complaint, which is beyond the period permitted by Federal Rule of Civil
3 Procedure 15(a)(1)(B);

4 WHEREAS, the parties wish to allow Plaintiff to properly file her First
5 Amended Complaint and set a date for responsive pleadings to said First Amended
6 Complaint;

7 ~~Plaintiff shall file the~~ The First Amended Complaint attached to the parties'
8 and previously filed by plaintiff on January 22, 2010 is deemed properly filed,
9 Stipulation pursuant to Federal Rule of Civil Procedure 15(a)(2), and Local Rules
10 6-1(b) and 6-2;

11 Defendants will have 14 days from ~~the time Plaintiff's First Amended~~
12 ~~Complaint is filed~~ the date of this order to file a responsive pleading to Plaintiff's First Amended
13 Complaint.

14 **IT IS SO ORDERED.**

15
16 Dated March 2, 2010

17 
18 U.S. District Judge
19 Hon. Maxine M. Chesney