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8 Attorneys for Plaintiff
 9 RAYMOND P. MARIOLLE

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 REGINA LYNN MARIOLLE,

13 Plaintiff,

14 vs.

15 VOLVO GROUP NORTH AMERICA,
 16 INC.; CONSOLIDATED METCO, INC.;
 17 AMSTED INDUSTRIES, INC.; and
 18 DOES 1 through 25, inclusive,

19 Defendants.

) No. C-09-4250 MMC

) ASSIGNED FOR ALL PURPOSES TO
) THE HONORABLE MAXINE M. CHESNEY

) **MOTION FOR LEAVE TO FILE SECOND
) AMENDED COMPLAINT; AND ORDER**

20 NOW INTO COURT, through undersigned counsel, comes Regina Lynn Mariolle, plaintiff
 21 herein, who moves this Honorable Court for an order permitting plaintiff to file a Second Amended
 22 Complaint to name Labrie Environmental Group (Labrie) and Wittke Waste Equipment (Wittke) as
 23 additional defendants in this action.

24 This personal injury action has been instituted to recover damages sustained by Raymond P.
 25 Mariolle as a consequence of two single-vehicle collisions which were caused by the failure of the
 26 vehicle's wheel hubs. The wheel hubs are the point on the vehicle where the tire and rim are attached
 27 to the vehicle. The Volvo vehicle, operated by Mr. Mariolle at the time of the collision, sustained hub
 28 failures on September 17, 2007 and October 29, 2007, causing a tire and rim of the vehicle to detach and
 the vehicle to lose control.

1 Upon information and belief, the vehicle was designed, manufactured, distributed and sold by
2 Volvo Trucks North America, Inc. (VTNA) with component parts which were manufactured by
3 Consolidated Metco, Inc. and/or Amsted Industries, Inc. VTNA and Consolidated Metco, Inc. have
4 alleged that Labrie and Wittke were responsible for the alleged defects in the vehicle.

5 Plaintiff seeks to amend the complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil
6 Procedure. The proposed Second Amended Complaint is attached as Exhibit "1" and is incorporated
7 herein as if copied *in extenso*.

8 Counsel for plaintiff has contacted Matt F. Cohen, counsel for VTNA, and Anthony E. Sonnett,
9 counsel for Amsted Industries, Inc. and Consolidated Metco, Inc., regarding this motion. Counsel for
10 VTNA has advised that his client will not oppose the motion. Counsel for Amstead Industries, Inc. and
11 Consolidated Metco, Inc. has advised that his clients will not oppose the motion.

12
13 Dated: May 20, 2010

BOXER & GERSON, LLP

14 By: 

15 GARY B. ROTH
16 Attorneys for Plaintiff
RAYMOND P. MARIOLLE

17 **ORDER**

Regina Lynn

18 IT IS ORDERED that ~~Raymond Mariolle~~ may file the ~~Amended Complaint~~.
19 Second Amended Complaint, on the condition that plaintiff file the Second Amended Complaint no
later than May 21, 2010 and serve it on the newly-named defendants no later than June 18, 2010.

20 Dated: May 20, 2010


21 THE HONORABLE MAXINE M. CHESNEY
22 Judge of the United States District Court