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7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

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11 DAREN HEATHERLY, et al.,

12 Plaintiffs,

13 v.

14 BISTRO 29, et al.,

15 Defendants.

Case No. 13-cv-01132 NC

**ORDER TO SHOW CAUSE WHY  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT SHOULD NOT BE  
STRICKEN**

Re: Dkt. No. 9

16 Rule 15 of the Federal Rules of Civil Procedure provides that a party may amend its  
17 pleading *once* as a matter of course. Fed. R. Civ. P. 15(a)(1). “In all other cases, a party  
18 may amend its pleading only with the opposing party’s written consent or the court’s  
19 leave.” Fed. R. Civ. P. 15(a)(2). On May 22, 2013, plaintiffs filed a Second Amended  
20 Complaint, Dkt. No. 9. Plaintiffs have not sought leave of Court for this second  
21 amendment, and it is unclear whether defendants have consented to the amendment.  
22 Accordingly, within 14 days of the date of this order, plaintiffs must either satisfy Rule  
23 15(a)(2) or show cause in writing why the Second Amended Complaint should not be  
24 stricken.

25 IT IS SO ORDERED.

26 Date: May 23, 2013

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Nathanael M. Cousins  
United States Magistrate Judge

28 Case No. 13-cv-01132 NC  
ORDER TO SHOW CAUSE