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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN FRANCISCO DIVISION**
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8 DAREN HEATHERLY, IRMA RAMIREZ,

9 Plaintiffs,

10 v.

11 BISTRO 29, and others,

12 Defendants.

Case No. 13-cv-01132 NC

**ORDER GRANTING PLAINTIFFS'
MOTION FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT;
and ORDER CONTINUING CASE
MANAGEMENT CONFERENCE TO
SEPTEMBER 3**

Re: Dkt. No. 35

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14 Under Federal Rule of Civil Procedure 15, leave to amend shall be freely given when
15 justice requires. In this case, plaintiffs seek to amend their complaint to add an allegation of
16 post-complaint retaliation. The Court finds that the proposed amendment would not
17 prejudice defendants, is not untimely, and is not futile or frivolous. Significantly,
18 defendants knew about the new allegations in August 2013. Accordingly, the motion for
19 leave is GRANTED. The Clerk of Court is directed to file the proposed Third Amended
20 Complaint, docket entry 37-1, this same day.

21 In addition, plaintiffs' request to continue the case management conference to
22 September 3, 2014, at 10:00 a.m. is GRANTED, for good cause shown. All other case
23 deadlines remain unchanged.

24 IT IS SO ORDERED.

25 Date: August 4, 2014


26 Nathanael M. Cousins
United States Magistrate Judge

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