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

PATRICK JOHN MCERLAIN,
Plaintiff,
v.
PARK PLAZA TOWERS OWNERS
ASSOCIATION, et al.,
Defendants.

No. C-13-3232 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART AS MOOT
DEFENDANTS' MOTION FOR LEAVE TO
AMEND ANSWER; VACATING
HEARING; DIRECTIONS TO
DEFENDANTS**

Before the Court is defendants' "Motion for Leave to Amend Answer to Amended Complaint," filed July 25, 2014. Plaintiff Patrick McErlain has filed a statement of non-opposition. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter appropriate for determination on the parties' respective written submissions, VACATES the hearing scheduled for August 29, 2014, and rules as follows.


To the extent defendants seek leave to amend their answer of behalf of all defendants other than the Park Plaza Towers Owners Association ("the HOA"), the motion is hereby GRANTED.

To the extent defendants seek leave to amend their answer on behalf of the HOA, the motion is hereby DENIED as moot, in light of the Court's August 12, 2014 order granting judgment on the pleadings in favor of the HOA.

1 Defendants are hereby DIRECTED to file their amended answer no later than
2 September 5, 2014.

3 **IT IS SO ORDERED.**

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5 Dated: August 20, 2014

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MAXINE M. CHESNEY
United States District Judge

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