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

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

No. C-13-4384 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 Nancy 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

1 granting judgment on the pleadings in favor of the HOA.

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

4 **IT IS SO ORDERED.**

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6 Dated: August 20, 2014

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MAXINE M. CHESNEY  
United States District Judge 

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