UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

YOLANDA FERREIRA,

Plaintiff,

v.

SOUTHWEST AIRLINES CO., AIR TRAN AIRWAYS, INC. and DOES 1-10, inclusive,

Defendants.

Case No. 14-cv-03454 NC

ORDER RE: REQUEST TO PERMIT FILING OF A FIRST AMENDED COMPLAINT

Re: Dkt. No. 19

On September 11, 2014, defendants filed a motion to dismiss plaintiff Yolanda Ferreira's complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 9. On October 7, defendants filed a notice that Ferreira has failed to timely file (1) an opposition to the motion to dismiss; (2) a statement of non-opposition; or (3) an amended complaint. Dkt. No. 11. The same day, Ferreira filed a statement of non-opposition, indicating that she intends to file an amended complaint. Dkt. No. 16. On October 8, Ferreira filed a first amended complaint, in conjunction with a "Memorandum of Points and Authorities in Opposition to Defendant's Motion to Dismiss." Dkt. Nos. 18-19. Despite its title, the memorandum does not oppose the motion to dismiss on the merits, but instead requests the Court to allow the filing of the first amended complaint on the basis that the untimely filing was due to a "miscalendaring error" by Ferreira's attorney. Dkt. No. 19 at 2. In response, defendants' counsel filed a letter seeking clarification from the Court "as to how it expects

the parties to proceed" in light of the "confused state of affairs." Dkt. No. 21.

By October 15, 2014, Ferreira must file a motion for administrative relief to permit her untimely filing of the first amended complaint under Civil L.R. 7-11, accompanied by either a stipulation under Civil L.R. 7-12 or by a declaration that explains why a stipulation could not be obtained as required by the local rules. If defendants with to oppose the motion, they must do so under Civil L.R. 7-11(b).

IT IS SO ORDERED.

Date: October 9, 2014

Nathanael M. Cousins
United States Magistrate Judge