

United States District Court
For the Northern District of California

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

FRANCISCA MORALEZ,)	Case No. 3:14-cv-5022 SC
)	
Plaintiff,)	ORDER TO SHOW CAUSE OR
)	<u>STIPULATE TO FILING</u>
v.)	
)	
WHOLE FOODS MARKET CALIFORNIA,)	
INC.,)	
)	
Defendant.)	

This Order Relates To:

SECOND AMENDED COMPLAINT FOR DAMAGES

The Court is in receipt of a Second Amended Complaint for Damages, electronically filed by Plaintiff on June 26, 2015. ECF No. 23. The first amended complaint was filed March 30, 2015. ECF No. 11.

Federal Rule of Civil Procedure 15(a)(1) states that parties may amend once as a matter of course within 21 days after service or 21 days after receipt of a required responsive pleading.

However, other amendments require written consent of the opposing

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1 party or leave of the Court to file, which the Court will "freely
2 give" when justice so requires. Fed. R. Civ. P. 15(a)(2).

3 Here, the Court did not grant leave to file, and the amended
4 complaint is not within 21 days of original service or receipt of a
5 required responsive pleading. Accordingly, the Court ORDERS
6 Plaintiff to show cause why justice so requires a Second Amended
7 Complaint be permitted.

8 The Court is cognizant of the numerous stipulations extending
9 time for Defendant to file a responsive pleading. In the belief
10 that the filing of a Second Amended Complaint may be directly
11 related to these extensions, the Court will accept, in lieu of a
12 showing of cause, a stipulation by the parties granting retroactive
13 leave for Plaintiff to file a Second Amended Complaint.

14 A showing of cause or stipulation is required within 10 days
15 of this order, or the Court will strike the Second Amended
16 Complaint as improperly filed.

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18 IT IS SO ORDERED.

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20 Dated: July 8, 2015



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UNITED STATES DISTRICT JUDGE

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