

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 J & J SPORTS PRODUCTIONS, INC.,

4 Plaintiff,

5 v.

6 PITTSBURG LODGE NO. 1475, LOYAL
7 ORDER OF MOOSE, INCORPORATED, et
8 al.,

9 Defendants.

Case No. [14-cv-05129-VC](#)

**ORDER DENYING AS MOOT
PLAINTIFF'S MOTION TO STRIKE**

Re: Dkt. No. 28

10 The motion to strike Defendant Pittsburg Lodge No. 1475's affirmative defenses is denied
11 as moot.

12 Under Federal Rule of Civil Procedure 15, a party may only amend its pleadings as a
13 matter of course only once, and only within 21 days after serving it. Fed. R. Civ. P. 15(a)(1). "In
14 all other cases, a party may amend its pleading only with the opposing party's written consent or
15 the court's leave." Fed. R. Civ. P. 15(a)(2). "Generally, Rule 15 advises the court that leave shall
16 be freely given when justice so requires. This policy is to be applied with extreme liberality."
17 *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (internal quotation
18 marks omitted).

19 Here, the defendant served its original Answer on March 6, 2015. Any amendment as a
20 matter of course was therefore due by March 27, 2015. But the defendant did not file its Amended
21 Answer until April 10, 2015, in response to the plaintiff's motion to strike. However, the Court
22 construes the defendant's April 10, 2015 submission as a request for leave to file an amended
23 answer. So construed, the request is granted. Accordingly, the plaintiff's motion is denied as
24 moot.

25 **IT IS SO ORDERED.**

26 Dated: April 29, 2015



27 VINCE CHHABRIA
28 United States District Judge