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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KELLEY RAJALA,
Plaintiff,

v.

SONOMA COUNTY GO LOCAL
COOPERATIVE, INCORPORATED, et al.,
Defendants.

Case No. 15-cv-00442-JST

**ORDER GRANTING MOTION TO
AMEND ANSWER**

Re: ECF No. 57

Defendants-Counterclaimants Sonoma County Go Local Cooperative, Inc. and Sustaining Technologies, LLC (“Defendants”) have filed an unopposed Motion to Amend Defendants’ Answer. ECF No. 57.

Federal Rule of Civil Procedure 15(a) permits a party to amend a pleading once “as a matter of course” within 21 days of serving it or within 21 days after a response to it has been filed. Fed. R. Civ. P. 15(a)(1). Otherwise, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). A district court “should freely give leave” to amend a pleading “when justice so requires.” *Id.* “Four factors are commonly used to determine the propriety of a motion for leave to amend. These are: bad faith, undue delay, prejudice to the opposing party, and futility of amendment.” *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987) (citation omitted). “The party opposing amendment bears the burden of showing prejudice.” *Id.* at 187.

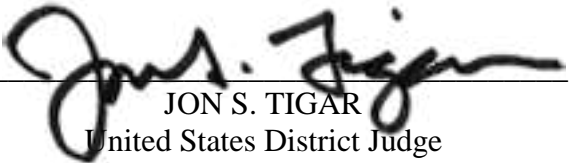
The Court finds that Defendants’ Motion to Amend the Answer is proper given that there is no evidence of bad faith, undue delay, prejudice to Plaintiff, or futility of amendment. Indeed, Plaintiff does not oppose the proposed amendment. ECF No. 57 at 5. Accordingly, Defendants’ Motion to Amend the Answer in the form shown in Exhibit 1 to Defendants’ Memorandum of

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Law in Support of the Motion to Amend is granted.¹ Plaintiff shall have 20 days from the date of service of such Amended Answer, Defenses, and Counterclaims to file a responsive pleading.

IT IS SO ORDERED.

Dated: December 17, 2015



JON S. TIGAR
United States District Judge

¹ The Amended Answer has already been filed on the docket as a separate document. See ECF No. 58.