

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

WESTGATE PETROLEUM COMPANY,
INC., d/b/a Helms Petroleum,

No. C 16-00115 WHA

Plaintiff,

v.

INTERNATIONAL INSURANCE
COMPANY OF HANNOVER, SE,
ZURICH AMERICAN INSURANCE
COMPANY,

**ORDER ON WESTGATE'S
MOTION FOR LEAVE TO
FILE A THIRD AMENDED
COMPLAINT**

Defendants.

INTERNATIONAL INSURANCE
COMPANY OF HANNOVER, SE,

Cross-Complainant,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Cross-Defendant.

Westgate Petroleum Company, Inc., seeks leave to file a third amended complaint, which would add Trevor Hall Trucking, Inc., as a defendant. Trevor Hall has already been named as a cross-defendant in another party's answer and cross-complaint, although it has not yet been served. The defendants already in this action do not oppose Westgate's proposed amendment (Dkt. Nos. 62, 63).


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This order finds there is good cause to amend the scheduling order to allow Westgate to add Trevor Hall as a defendant after the deadline set by the case management order (Dkt. No. 22) and that leave to amend is appropriate under Rule 15(a)(2). Accordingly, Westgate's motion is **GRANTED**. Westgate shall promptly file its third amended complaint as proposed in its motion.

In light of this development, at the case management conference scheduled for **DECEMBER 8**, all parties shall please be prepared to discuss whether the case should be remanded, inasmuch as the addition of Trevor Hall destroys diversity, and there are no federal questions in the complaint.

IT IS SO ORDERED.

Dated: December 7, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE