

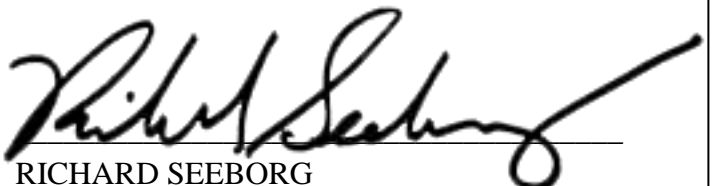
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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAJOHN UTNE,
Plaintiff,
v.
HOME DEPOT U.S.A., INC.,
Defendant.Case No. [16-cv-01854-RS](#)**ORDER GRANTING MOTION FOR
LEAVE FILE A SECOND AMENDED
COMPLAINT**

On November 30, 2016, plaintiff John Utne moved for leave to file a second amended complaint in order to raise allegations that defendants “had a practice of rounding Plaintiff and class member’s clock-in and clock-out times in an unfair and unneutral manner.” Mot. at 1. Defendants had until December 14 to oppose the motion and did not do so.

Pursuant to Civil Local Rule 7-1(b), Utne’s motion is suitable for disposition without oral argument, and the hearing set for January 19, 2017, is vacated. No discovery has occurred, no depositions have been taken, no trial date has been set, and no motions are pending. It therefore appears defendants will not be prejudiced by Utne filing a second amended complaint. Because leave to amend should be given liberally, see Fed. R. Civ. P. 15(a)(2); *Sonoma Cty. Ass’n of Retired Employees v. Sonoma Cty.*, 708 F.3d 1109, 1117 (9th Cir. 2013), Utne’s motion is granted.

IT IS SO ORDERED.

Dated: December 15, 2016


RICHARD SEEBORG
United States District JudgeUnited States District Court
Northern District of California