

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAMERYL POMPONIO,  
Plaintiff,

v.

PUBLIC STORAGE,  
Defendant.Case No. [19-cv-00595-JSC](#)**ORDER RE: PLAINTIFF'S MOTION  
TO AMEND THE COMPLAINT**

Re: Dkt. No. 28

Before the Court is Plaintiff's unopposed motion for leave to file an amended complaint. (Dkt. No. 28.) On February 3, 2019, Plaintiff filed this action against Defendant for violations of the Americans with Disabilities Act ("ADA"), California Civil Code section 51 and California Civil Code section 54. (Dkt. No. 1.) On August 14, 2020, Plaintiff filed a motion for leave to file an amended complaint. (Dkt. No. 28.) Defendant has not filed an opposition to the motion and the time for an opposition has passed. After reviewing the motion, the Court concludes that oral argument is not necessary, see N.D. Cal. Civ. L.R. 7-1(b), and GRANTS the motion.

In her motion for leave to amend, Plaintiff "seek[s] to add barriers to access that existed at the time the Complaint was filed." (Dkt. No. 28-2 at 5.) Federal Rule of Civil Procedure 15(a)(2) provides that "[t]he court should freely give leave" to amend a pleading "when justice so requires." The policy favoring amendments "is to be applied with extreme liberality." *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). In the absence of any "apparent or declared reason . . . the leave sought should, as the rules require, be 'freely given.'" *Foman v. Davis*, 371 U.S. 178, 182 (1962).

The Court finds justice would be served by permitting Plaintiff to amend her complaint. Given as well that the motion is unopposed—and therefore Defendant has offered no reason to

1 deny Plaintiff's motion—the Court GRANTS Plaintiff's motion.

2 **CONCLUSION**

3 Plaintiff's motion for leave to file an amended complaint is GRANTED. Plaintiff shall file  
4 the amended complaint within 7 days of this Order, and Defendant shall file a response to the  
5 amended complaint within the time permitted by the Federal Rules of Civil Procedure.

6 This Order disposes of Dkt. No. 28.

7 **IT IS SO ORDERED.**

8 Dated: September 15, 2020

9  
10   
11 JACQUELINE SCOTT CORLEY  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28