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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 STREETSPLACE, INC., etc.,

12 Plaintiff,

13 vs.

14 GOOGLE INC., etc., et al.,

15 Defendants.
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CASE NO. 10cv1757-LAB

ORDER TO SHOW CAUSE

17 Streetspace filed its initial complaint on August 23, 2010. On January 18, 2011, the
18 Defendants filed a motion to dismiss, or, in the alternative, a motion for a more definite
19 statement. They filed a motion to transfer venue on January 20, 2011. Then, on February
20 25, 2011, Streetspace filed an amended complaint.

21 Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend a
22 complaint once as a matter of right 21 days after serving it *or* 21 days after service of a
23 responsive pleading or a 12(b), (e), or (f) motion. Given that Defendants filed a 12(b) and
24 12(e) motion on January 18, 2011, Streetspace had only until February 8, 2011 to file an
25 amended complaint. At this time, Streetspace has no right to amend its complaint; it must
26 obtain the Defendants' written consent or the Court's leave. See Fed. R. Civ. P. 15(a)(2).

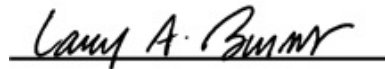
27 The Court sees that Streetspace filed an opposition to the motion to dismiss on
28 February 28, 2011, arguing that the motion is moot because under Rule 15 "each party has

1 the right to amend its pleadings 'as a matter of course' without leave of court at any time
2 before a responsive pleading is served." (Doc. No. 32, p. 2.) This used to be the way Rule
3 15 operated, but the Rule was amended in 2009. Today, the right to amend once "as a
4 matter of course" terminates 21 days after service of a motion under 12(b), (e), or (f).

5 Streetspace is therefore ordered to show cause, within 2 calendar days of the date
6 this Order is entered, why its amended complaint should not be stricken from the docket, and
7 why the pending motions to dismiss and transfer venue should not remain on the Court's
8 calendar for a March 14, 2011 hearing. (The motion to disqualify Cooley LLP is unaffected
9 by this hiccup and will remain on the Court's March 14, 2011 calendar regardless.)

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11 **IT IS SO ORDERED.**

12 DATED: March 3, 2011

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14 **HONORABLE LARRY ALAN BURNS**
15 United States District Judge
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