

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RICHARD CHEN,
Plaintiff,
v.
NATIONAL ENTERPRISE SYSTEMS, INC.,
Defendant.

Case No.: 12-CV-5910 YGR
**ORDER GRANTING MOTION OF PLAINTIFF
RICHARD CHEN FOR LEAVE TO AMEND
COMPLAINT**

Plaintiff Richard Chen brings this putative class action against Defendant National Enterprise Systems, alleging claims of violation of the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*

Plaintiff has filed a Motion for Leave to Amend to add two new defendants, Soundbite Communications, Inc. and Astra Business Services Private Limited. (Dkt. No. 21.) Plaintiff contends that these new defendants are necessary parties who were only recently identified in responses to discovery requests. Defendant National Enterprise Systems does not oppose the motion. (Dkt. No. 28, Notice of Non-Opposition.)

Having carefully considered the papers submitted and the pleadings in this action, and for the reasons set forth below, the Court hereby **GRANTS** the Motion for Leave to Amend.¹ Leave to amend is liberally granted. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Chodos v. West Pub. Co.*, 292 F.3d 992, 1003 (9th Cir. 2002) (leave to amend granted with “extreme liberality”). “In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive

¹ Pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b), the Court finds this motion appropriate for decision without oral argument. Accordingly, the Court **VACATES** the hearing set for **August 20, 2013**.


1 on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed,
2 undue prejudice to the opposing party by virtue of allowance of the amendment, futility of
3 amendment, etc. – the leave sought should, as the rules require, be ‘freely given.’” *Eminence*
4 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (quoting *Foman*, 371 U.S. at
5 182). The Court finds that leave is appropriately granted here, particularly given the lack of
6 opposition.

7 Plaintiff shall file his proposed First Amended Complaint, attached as Exhibit A to the
8 Declaration of Abbas Kazerounian, no later than **July 30, 2013**.

9 This Order terminates Docket No. 21.

10 **IT IS SO ORDERED.**

11 **Date: July 24, 2013**


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE