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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN HAN, ET AL.,  
Plaintiffs,  
v.  
SYNERGY HOMECARE FRANCHISING,  
LLC,  
Defendant.

Case No. [4:16-cv-03759-KAW](#)

**ORDER DENYING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
CHANGE TIME**

Re: Dkt. No. 37

On December 1, 2016, the Court held a hearing on Defendant’s motion to dismiss the complaint and compel arbitration. On December 6, 2016, Plaintiffs filed an administrative motion to change time and requested that the Court not issue an order on the motion to dismiss before January 12, 2017 to allow Plaintiffs time to prepare and file a motion for leave to file a first amended complaint. (Pls.’ Mot., Dkt. No. 37.) On December 14, 2016, Defendant filed an opposition, which was untimely. (Def.’s Opp’n, Dkt. No. 40.)

Notwithstanding, Plaintiffs have provided no reason why the Court should refrain from ruling on the pending motion, which was filed on July 12, 2016. Indeed, Plaintiff’s had an opportunity to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), which permits a party to amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). Plaintiffs did not do so. The Court further notes that the merits of the motion to dismiss—specifically the arbitrability issue—are likely unaffected by potential amendment. If Plaintiffs wish to add other claims, they may seek leave to do so at a later date.

IT IS SO ORDERED.

Dated: December 20, 2016

  
KANDIS A. WESTMORE  
United States Magistrate Judge