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28E-FILED on 12/16/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COALITION FOR ICANN TRANSPARENCY
INC.,

Plaintiff,

v.

VERISIGN, INC.,

Defendants.

No. CV 05-04826 RMW

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S MOTION
FOR LEAVE TO FILE A THIRD AMENDED
COMPLAINT

[Re Docket Nos. 230, 240]

On November 12, 2010, plaintiff Coalition for ICANN Transparency, Inc. filed a motion for leave to file a third amended complaint and setting the hearing for December 17, 2010. On November 30, 2010, defendant Verisign, Inc. filed notice of nonopposition to that motion. The original motion for leave to amend is therefore granted.

On December 7, 2010, plaintiff filed a motion for leave to file a third amended complaint "nunc pro tunc." This motion seeks to add allegations concerning the financial supporters of plaintiff. Plaintiff purports to set the hearing for this motion on December 17, 2010. No application for shortening time has been filed, and no satisfactory explanation as why the application should be heard on a shortened schedule is offered. Nor may plaintiff add substantive allegations to its motion

1 "nunc pro tunc." Such orders are available to correct clerical or ministerial orders. *See Singh v.*
2 *Mukasey*, 533 F.3d 1103, 1110 (9th Cir. 2008). Therefore, the most recent motion for leave to file a
3 third amended complaint is taken off the calendar and denied without prejudice to being refiled with
4 proper notice in accordance with the Federal Rules of Civil Procedure and the Northern District of
5 California Civil Local Rules.

6
7 DATED: 12/16/2010


RONALD M. WHYTE
United States District Judge