

\*\*E-Filed 9/30/08\*\*

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

MARJORIE BROOKS, individually and on  
behalf of all others similarly situated,

Plaintiff,

V.

COMUNITY LENDING, INC. and DOES 1 through 10 inclusive,

## Defendants.

Case Number C 07-4501 JF (HRL)

ORDER<sup>1</sup> GRANTING MOTION FOR  
LEAVE TO FILE SECOND  
AMENDED COMPLAINT

[re: docket no. 25]

Plaintiff Marjorie Brooks moves for leave to file a second amended complaint, specifically to substitute certain parties as defendants and to refine the allegations of the complaint. Defendants do not oppose the motion. The Court finds that the motion is appropriate for submission without oral argument pursuant to Civ. L. R. 7-1(b).

Courts freely grant leave to amend “when justice so requires.” *See Fed. R. Civ. P. 15(a)(2)*. Leave to amend generally is allowed when the amendment does not prejudice the opposing party, is not sought in bad faith, does not cause undue delay, and is not an exercise in futility. *See Foman v. Davis*, 371 U.S. 178, 182 (1962). In the instant case, Plaintiff’s proposed

<sup>1</sup> This disposition is not designated for publication and may not be cited.

1 amendments appear to meet these requirements. Accordingly, Plaintiff's motion for leave to file  
2 a second amended complaint is GRANTED.

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4 IT IS SO ORDERED.

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6 DATED: September 30, 2008



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8 JEREMY FOGEL  
9 United States District Judge

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1 This Order has been served upon the following persons:

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