UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

NATHALIE THUY VAN, et al.,

Plaintiffs,

v.

WAL-MART STORES, INC.,

Defendant.

Case No.: C 08-5296 PVT

ORDER GRANTING PLAINTIFFNATHALIE VAN'S MOTION TO AMEND THE FIRST AMENDED COMPLAINT AND SETTING A DEADLINE FOR DEFENDANT TO FILE A MOTION TO DISMISS

On July 20, 2010, the parties appeared before Magistrate Judge Patricia V. Trumbull for hearing on Plaintiff Nathalie Van's Motion to Amend the First Amended Complaint. Because Plaintiff had not filed a proposed amended complaint with her motion, the court set a deadline for her to do so, as well as deadlines for Defendant to object to any of the amendments and for Plaintiff to respond. Plaintiff has now filed her proposed amended complaint, Defendant has filed its objections and Plaintiff has responded. Based on the proposed amendments, and the briefs and arguments submitted,

IT IS HEREBY ORDERED that Plaintiff's motion to amend her complaint is GRANTED. At a minimum Plaintiff has shown good cause for amending the complaint to remove the claims of her minor son, in light of the fact there is no longer any attorney representing him. Plaintiff's son's claims are deemed dismissed without prejudice to him asserting his claims either after retaining counsel, or after he reaches the age of majority when he will be legally competent to represent himself.

IT IS FURTHER ORDERED that Defendant may file a motion to dismiss, or an answer, no

later than September 21, 2010. The above order granting Plaintiff's motion for leave to amend is without prejudice to Defendant raising in a motion to dismiss the issues regarding timeliness that it asserted in its objection to the amended complaint.

Dated: *8/24/10*

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

Counsel automatically notified of this filing via the court' s Electronic Case Filing system.

copies handed to Plaintiff Van on *8/24/10* to:

Nathalie Thuy Van
1037 N. Abbott Avenue
Milpitas, CA 95035

/s/ Donna Kirchner
DONNA KIRCHNER
Judicial Law Clerk