

United States District Court
For the Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALMA CLARISA HERNANDEZ, THERESA WALLEN, RONALD MOORE,)	Case No.: 10-CV-02848-LHK
)	
Plaintiffs,)	
)	
v.)	ORDER GRANTING MOTION TO AMEND COMPLAINT
)	
VALLCO INTERNATIONAL SHOPPING CENTER, LLC, et al.)	
)	
Defendants.)	

Plaintiffs filed their complaint, alleging violations of Title III of the Americans with Disabilities Act, on June 29, 2010. *See* Compl. (Dkt. No. 1). Defendants are a large number of different business entities and associated individuals, all apparently located in the Vallco International Shopping Center. *Id.* On October 15, 2010, Plaintiffs moved for leave to amend the complaint to substitute certain incorrectly-named defendants with properly-named defendants, to correct paragraph numbering, and to cure other “miscellaneous defects” in the original pleading. *See* Motion to Amend (Dkt. No. 160) at 2. The Court has determined that this matter is suitable for determination without oral argument, pursuant to Civil Local Rule 7-1(b). Accordingly, the hearing currently set for Thursday, December 16, 2010 is hereby VACATED.

Ten Defendants filed statements of non-opposition to this motion; no Defendant has filed any opposition. As Plaintiffs note in their motion, leave to amend the complaint shall be “freely given when justice so requires.” Fed. R. Civ. P. 15(a)(2). Unless there is a showing of “undue

1 delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies
2 by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance
3 of the amendment, futility of amendment, etc.” then leave should be “freely given.” *Forman v.*
4 *Davis*, 371 U.S. 178, 182 (1962) (citing Fed. R. Civ. P. 15(a)(2)).

5 No Defendant has opposed Plaintiffs’ motion for leave to amend the complaint, and based
6 on the papers submitted, it appears Plaintiffs’ request is in the interest of justice as the proposed
7 amendments will correctly name a number of parties that were previously improperly named.
8 Accordingly, the Court hereby GRANTS the Plaintiffs leave to amend their complaint as indicated
9 in the Motion to Amend. However, Plaintiffs are not granted leave to amend any unspecified
10 “miscellaneous defects” beyond non-substantive changes such as formatting, paragraph numbering,
11 and the like.

12 **IT IS SO ORDERED.**

13 Dated: December 13, 2010

14 
15 LUCY H. KOH
16 United States District Judge