

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

CHOOSE ENERGY, INC.,)	Case No. 5:14-cv-04557-PSG
)	
Plaintiff,)	ORDER DENYING-AS-MOOT
)	LEAVE TO AMEND STATE LAW
v.)	CLAIMS
)	
AMERICAN PETROLEUM INSTITUTE,)	(Re: Docket Nos. 64, 65)
)	
Defendant.)	

Last month, this court granted Defendant American Petroleum Institute’s motion to dismiss and motion to strike.¹ The court further granted Plaintiff Choose Energy, Inc. leave to amend its federal Lanham Act claims. But with questions as to whether leave to amend is appropriate after an anti-SLAPP motion to strike is granted in light of Fed. R. Civ. P. 15(a)’s liberal approach to amendment, the court ordered the parties to further brief the issue. In light of Choose Energy’s representation that it does not seek to amend its state law claims, the inquiry is no longer necessary.

The court DENIES-AS-MOOT leave to amend the state law claims. Choose Energy shall file any amended complaint within seven days. To accommodate any Choose Energy amended pleading, the court reschedules the initial case management conference to May 19, 2015 at 10:00 AM.

¹ See Docket No. 63.

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SO ORDERED.

Dated: May 1, 2015


PAUL S. GREWAL
United States Magistrate Judge