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

WILLIAM MOSLEY, et al.,
Plaintiffs,
v.
GROUPON, INC., et al.,
Defendants.

Case No. [15-cv-01205-BLF](#)

**ORDER GRANTING MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT, VACATING HEARING,
AND DENYING MOTION TO DISMISS
AS MOOT**

One week after Judge Grewal deemed Defendant Groupon, Inc. to have admitted each of Plaintiffs’ requests for admissions by failing to respond to them, ECF 52, Plaintiffs filed their First Amended Complaint (“FAC”), ECF 53. The FAC draws heavily on those admissions. For example, in the first paragraph, Plaintiffs allege that Groupon “admits that it ‘intended to deceive the public’” and “admits that it knew that [Defendant] ADP was sending unlicensed technicians to customers’ homes through [a] Groupon Deal.” FAC ¶ 1.

Defendants moved to withdraw those admissions on December 1, 2015, ECF 69, and moved to dismiss the FAC on December 15, 2016. ECF 72. In their opposition to the Motion to Dismiss, Plaintiffs included the following footnote: “If Judge Grewal grants Groupon’s motion to withdraw admissions, Plaintiffs will need, and request leave, to amend the complaint to remove the currently deemed admissions and otherwise amend the complaint.” Opp. at 5, n. 1, ECF 77. Judge Grewal subsequently granted Defendants’ motion to withdraw admissions. ECF 83.

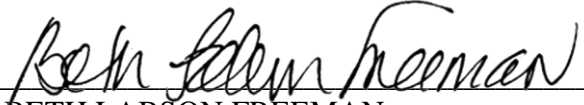
In light of this procedural history, the Court construes Plaintiffs’ statement as a Motion for Leave to File an Amended Complaint. In the interest of judicial economy, the Court GRANTS the motion for leave. Accordingly, the Court also DENIES as moot and without prejudice Defendants’ Motion to Dismiss and VACATES the hearing set for the Motion to Dismiss on April 21, 2016.

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Plaintiffs must file their Second Amended Complaint by no later than **May 6, 2016**.

IT IS SO ORDERED.

Dated: April 8, 2016


BETH LABSON FREEMAN
United States District Judge