

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAPEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, et al.,

Plaintiffs,

v.

WHOLE FOODS MARKET
CALIFORNIA, INC., et al.,

Defendants.

Case No. [15-cv-04301 NC](#)**ORDER TO SHOW CAUSE**

Re: Dkt. No. 20

In this consumer class action, PETA filed a second amended complaint on November 25, 2015, without requesting leave from the Court or defendant Whole Foods to do so. Dkt. No. 20.

Rule 15(a) provides that “[a] party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served . . . Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” Fed.R.Civ.P. 15(a). Under this rule, PETA could amend its Complaint only by leave of court or by written consent.

Here, PETA did not file a stipulation or motion for leave to file its second amended complaint, and the document “therefore has no legal effect.” *Ritzer v. Gerovicap Pharm. Corp.*, 162 F.R.D. 642, 644 (D. Nev. 1995); *Hoover v. Blue Cross & Blue Shield*, 855 F.2d 1538, 1544 (11th Cir. 1988) (plaintiff improperly filed amended complaint so amended

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1 complaint had no legal effect).

2 Therefore, PETA is ordered to show cause by December 4, 2015, why the Court
3 should accept its second amended complaint.

4
5 **IT IS SO ORDERED.**

6
7 Dated: November 30, 2015


NATHANAEL M. COUSINS
United States Magistrate Judge