UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OLAES ENTERPRISES, INC., a California corporation,

Plaintiff.

v.

VERSALY GAMES, INC., a Delaware corporation,

Defendant.

CASE NO. 07 CV 2155 JM (LSP)

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Doc. No. 10

This action arises out of a contract and trademark dispute between Olaes Enterprises, Inc. ("Plaintiff") and its former licensee, Versaly Games, Inc. ("Defendant"). Plaintiff filed its initial complaint on November 8, 2007. (Doc. No. 1.) Defendant filed its Answer on March 11, 2008. (Doc. No. 4.) Pending before the court is Plaintiff's motion for leave to amend its complaint, through which Plaintiff seeks to add Matthew Feldman, President and Chief Executive Officer of Versaly Games, as a defendant on Plaintiff's Second Cause of Action for copyright infringement. (Doc. No. 10 at 2.) Defendant has not filed an opposition to the motion. Under Civil Local Rule 7.1(f), failure to file an opposition "may constitute a consent to the granting of a motion." Pursuant to Civil Local Rule 7.1(d), the matter was taken under submission by the court on April 10, 2009.

Once a responsive pleading has been served, a plaintiff may amend his 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). Given the lack of opposition from Defendant, and for good cause

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showing, the court **GRANTS** Plaintiff's motion. The Clerk is instructed to file Plaintiff's proposed First Amended Complaint (attached to the motion), which shall be deemed filed on the date of this order.

## IT IS SO ORDERED.

DATED: April 15, 2009

Hop. Jeffrey T. Miller United States District Judge

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