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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GABRIELA PACHECO, an individual,

Plaintiff,

vs.

PREFERRED MEAL SYSTEMS, INC., a
corporation, ERIC SHELLENBACK, an
individual, HEATHER MCDERMOTT, an
individual, and DOES 1 through 25,
inclusive,

Defendants.

CASE NO. 09 CV 1481 JM (RBB)

**ORDER DENYING MOTION TO
FILE SUPPLEMENTAL
PLEADING, GRANTING LEAVE
TO FILE FIRST AMENDED
COMPLAINT AND AMENDED
ANSWER**

Doc. No. 23

Pending before the court is a joint motion to file a supplemental pleading which will add claims to Plaintiff’s complaint. (Doc. No. 23). The supplemental claims arose after Plaintiff filed her initial complaint. While supplemental pleadings are allowed by Federal Rule of Civil Procedure 15(d), the Civil Local Rules for the Southern District of California require that “every pleading to which an amendment is permitted . . . shall be retyped and filed so that it is complete in itself without reference to the superseded pleading.” CivLR 15.1. Therefore, the court DENIES the motion to file a supplemental pleading.


Instead, the court GRANTS Plaintiff leave to file a first amended complaint, which will include all of Plaintiff’s current claims. In addition, the court GRANTS Defendants leave to file

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1 an amended answer, including additional affirmative defense, within fourteen days of the filing of
2 Plaintiff's first amended complaint.

3 **IT IS SO ORDERED.**

4 DATED: October 29, 2009

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6 Hon. Jeffrey T. Miller
United States District Judge

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