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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAIMLER AG, a German corporation,
Plaintiff,
v.
A-Z WHEELS LLC d/b/a USARim.COM,
et al.,
Defendants.

Case No.: 16-cv-875-JLS (MDD)

**ORDER GRANTING UNOPPOSED
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT
(ECF No. 30)**

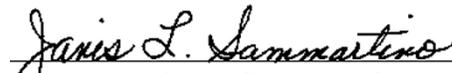
Presently before the Court is Plaintiff Daimler AG’s Motion for Leave to File First Amended Complaint (“Leave Mot.”). (ECF No. 30-1.) Although Plaintiff indicates that “Defendants’ counsel did not consent to the filing of an amended complaint[,]” (Pl. Daimler AG’s Notice of Mot. for Leave to File First Am. Compl. 2 n.1, ECF No. 30), Defendants have not opposed Plaintiff’s Leave Motion. *Compare* S.D. Cal. Civ. L.R. 7.1(e)(2) (“[E]ach party opposing a motion . . . must file that opposition . . . not later than fourteen . . . calendar days prior to the noticed hearing.” (emphasis removed)), *with* (Leave Mot. 1 (indicating hearing date of July 13, 2017)). Such failure to oppose a motion “may constitute a consent to the granting of a motion or other request for ruling by the [C]ourt.”

1 S.D. Cal. Civ. L.R. 7.1(f)(3)(c). Further, “[t]he [C]ourt should freely give leave [to amend
2 a complaint] when justice so requires.” Fed. R. Civ. P. 15(a)(2); *see also In re Tracht Gut,*
3 *LLC*, 836 F.3d 1146, 1152 (9th Cir. 2016) (noting that denying leave to amend requires the
4 presence of at least several of the following: “bad faith, undue delay, prejudice to the
5 opposing party, and futility”).

6 In the present case, Plaintiff seeks only to file an amended complaint in order to add
7 “new information regarding the various defendants[,]” such as corrected business names
8 and locations. (Leave Mot. 2–3.) And because Defendants have not opposed the Motion,
9 they have simultaneously failed to demonstrate any bad faith, undue delay, prejudice to the
10 opposing party, or futility in amendment, and consented to the Court granting Plaintiff’s
11 requested relief. Accordingly, the Court **GRANTS** Plaintiff’s Leave Motion. Plaintiff
12 **SHALL** file a complete version of the Amended Complaint and corresponding Exhibits
13 (see ECF Nos. 30-2, 30-4 to -84) within seven days of the date on which this Order is
14 electronically docketed.

15 **IT IS SO ORDERED.**

16 Dated: July 6, 2017

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18 Hon. Janis L. Sammartino
19 United States District Judge
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