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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ROCHELLE NISHIMOTO, individually
12 and as Successor in Interest to Jason
13 Nishimoto,
14 Plaintiff,
15 v.
16 COUNTY OF SAN DIEGO; Does 1-100,
17 Defendants.
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Case No.: 3:16-cv-01974-BEN-JMA

ORDER:

**(1) GRANTING PLAINTIFFS’
MOTION TO FILE A THIRD
AMENDED COMPLAINT; and**

**(2) DENYING AS MOOT
DEFENDANT ANNE BRANTMAN’S
MOTION TO DISMISS**

19 On June 14, 2018, Plaintiffs’ filed the instant motion to amend, which requests
20 permission to file a Third Amended Complaint (“TAC”). (Docket No. 49.) The
21 proposed TAC substitutes four Doe defendants, whose identities Plaintiffs indicate they
22 have only recently learned. (Mot. at pp. 2-3.)

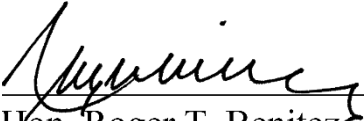
23 Also pending before the Court is the motion to dismiss the operative Second
24 Amended Complaint filed by Defendant Anne Brantman. (Docket No. 42.) On June 15,
25 2018, the Court contacted counsel for Defendant Brantman by telephone to inquire
26 whether Defendant Brantman intended to file an opposition to Plaintiffs’ motion to
27 amend. Attorney Michelle L. Buxton represented Defendant Brantman would not be
28 filing an opposition to Plaintiffs’ motion to amend.

1 The Court finds the interests of justice requires granting Plaintiffs' motion.
2 Accordingly, Plaintiffs' motion to amend is **GRANTED**. Because the TAC, once filed,
3 will supersede the Second Amended Complaint, Defendant Brantman's motion to dismiss
4 is **DENIED as moot**.

5 Plaintiffs shall file their Third Amended Complaint within **three (3) days** of the
6 date of this Order. It is expected that Plaintiffs will serve the newly named defendants
7 expeditiously.

8 **IT IS SO ORDERED.**

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10 Dated: June 15, 2018

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12 Hon. Roger T. Benitez
13 United States District Judge
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