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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 SAN DIEGO COUNTY CREDIT
12 UNION,

13 Plaintiff,

14 v.

15 CITIZENS EQUITY FIRST CREDIT
16 UNION,

17 Defendant.

Case No.: 18cv967-GPC(RBB)

**ORDER GRANTING DEFENDANT'S
UNOPPOSED MOTION FOR LEAVE
TO AMEND ITS ANSWER AND
COUNTERCLAIM**

[Dkt. No. 72.]

18 Presently before the Court is the unopposed motion of Defendant Citizens Equity
19 First Credit Union ("CEFCU") to amend its Answer and Counterclaim. (Dkt. No. 72.)
20 The motion seeks to add an additional affirmative defense that the Fifth Cause of Action
21 for alleged false or fraudulent trademark registration under 15 U.S.C. § 1120 is barred by
22 the statute of limitations. (Dkt. No. 72-4, Baratta Decl., Ex. B.) Defense counsel submits
23 a declaration which included an email where Plaintiff's counsel stated it would not
24 oppose the motion. (Dkt. No. 72-5, Baratta Decl., Ex. C.)

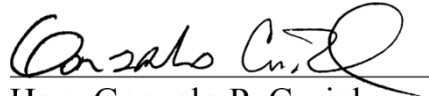
25 The Scheduling Order provides that any motion to amend the pleadings shall be
26 filed by August 26, 2019. (Dkt. No. 68.) The instant motion is in accordance with the
27 Scheduling Order. Moreover, Federal Rule of Civil Procedure 15(a)(2) provides that the
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1 “court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2);
2 Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003) (“This
3 policy [Rule 15] is ‘to be applied with extreme liberality.’”).

4 Based on the liberality courts should grant leave to amend, Plaintiff’s non-
5 opposition, and having reviewed the motion and supporting exhibits, the Court hereby
6 GRANTS the Defendant’s motion for leave to file a First Amended Answer and
7 Counterclaim and CEFCU is directed to file its First Amended Answer and Counterclaim
8 on the docket within three (3) days of the date of the order. The hearing date set for
9 September 27, 2019 shall be vacated.

10 IT IS SO ORDERED.

11 Dated: August 5, 2019


12 Hon. Gonzalo P. Curiel
13 United States District Judge
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