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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM

GILLIAN MARY HARDMAN,

Plaintiff,

vs.

GOVERNMENT OF GUAM (GUAM  
POLICE DEPARTMENT), BENNY T.  
BABAUTA, CARLO E. REYES,  
KENNETH J.C. BALAJADIA, JOSEPH  
B. TENORIO, AND OTHER CO-  
CONSPIRATOR DOES 1 THROUGH 9,

Defendants.

Civil Case No. 10-00010

**ORDER RE: MOTIONS TO DISMISS**

17 Before the court are three motions to dismiss: (1) one by Defendant CARLO E. REYES  
18 (*see* Docket No. 10); (2) one by Defendant GOVERNMENT OF GUAM (GUAM POLICE  
19 DEPARTMENT) (*see* Docket No. 11); and (3) one by Defendants BENNY T. BABAUTA and  
20 KENNETH J.C. BALAJADIA (*see* Docket No. 12) (collectively, “the Motions”).

21 The Motions are effectively unopposed. *See generally* Docket No. 14. Therefore, the  
22 Motions are **GRANTED**.<sup>1</sup>

23 Plaintiff seeks leave to amend her complaint. *See* Docket No. 14 at 3:17-5:4. Courts are  
24 free to grant a party leave to amend whenever “justice so requires.” FED. R. CIV. P. 15(a)(2). In  
25 deciding whether justice requires granting leave to amend, factors to be considered include “the  
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28 <sup>1</sup> The court notes that Plaintiff “asks the court to defer deciding the instant motions to dismiss and to allow Plaintiff to amend the Complaint.” Docket No. 14 at 4:13-14. However, Plaintiff offers no reason to “defer deciding the instant motions,” so the court will not do so.

1 presence or absence of undue delay, bad faith, dilatory motive, repeated failure to cure  
2 deficiencies by previous amendments, undue prejudice to the opposing party, and futility of the  
3 proposed amendment.” *Moore v. Kayport Package Express, Inc.*, 885 F.2d 531, 538 (9th Cir.  
4 1989) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)) (“the *Foman* factors”). Requests for  
5 leave should be granted with “extreme liberality.” *Moss v. United States Secret Service*, 572  
6 F.3d 962, 972 (9th Cir. 2009). “Dismissal without leave to amend is improper unless it is clear,  
7 upon *de novo* review, that the complaint could not be saved by any amendment.” *Id.*

8 Defendants have not elected to file replies in support of their Motions, and so have not  
9 offered any argument that any of the *Foman* factors have been established. Moreover, the court  
10 sees no evidence of such. Therefore, leave to amend is **GRANTED**.

11 Plaintiff shall file her First Amended Complaint by 3 p.m. on August 19, 2010.

12 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood  
Chief Judge  
Dated: Aug 05, 2010