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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHASE II CHIN, LLC, et al., Plaintiffs, v. FORUM SHOPS, LLC, et al., Defendants.	2:08-CV-162 JCM (GWF)
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ORDER

Presently before the court is Forum defendants' motion to amend counterclaim. (Doc. #129.) The complaint in this case was filed in state court in January 2008, and the case was removed to this court on February 7, 2008. (Doc. #1.) Defendants filed their answer and one counterclaim on April 1, 2009. (Doc. #106.) Plaintiffs filed an answer to defendants' counterclaim on April 16, 2009. (Doc. #110.) Defendants now seek leave to amend their counterclaim to add the following causes of action: 1) breach of contract, 2) fraud, and 3) conspiracy. They have submitted an amended counterclaim outlining each claim.

After a responsive pleading has been filed, a party may amend its pleading "only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Rule 15 instructs that courts "should freely give leave when justice so requires." Here, justice requires this court to permit the requested amendment. The addition of the new causes of action will enhance the efficiency of this judicial proceeding and allow the court to make a proper determination on the merits. As discovery does not close until December 2009 (docs. #38, #102), this ruling will not substantially prejudice the plaintiffs.


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Accordingly,

IT IS HEREBY ORDERED that defendants' motion to amend counterclaim (doc. #129) be, and the same hereby is, **GRANTED**.

IT IS FURTHER ORDERED that defendants shall have **ten (10) days** from the date of this order to file and serve their amended counterclaim.

DATED this 27th day of July, 2009.


UNITED STATES DISTRICT JUDGE