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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

21ST CENTURY COMMUNITIES, INC., a
Nevada Corporation,

Plaintiff,

v.

MUZLINK, LLC, a California Limited Liability
Company ,

Defendant.

2:09-cv-02458-LDG-VCF

ORDER

Plaintiff 21st Century Communities, Inc., has filed a renewed motion for leave to amend their complaint (#54, opposition #58, reply #61). The amended complaint would add as individual defendants Phillip Parker and Wayne Williams.

Courts consider four factors in determining whether to grant a motion for leave to amend a complaint: (1) bad faith or dilatory motive; (2) undue delay in filing the motion; (3) prejudice to the opposing party; and (4) the futility of the proposed amendment. Lockheed Martin Corp. v. Network Solutions, Inc., 194 F.3d 980, 986 (9th Cir. 1999). Here, plaintiff moved to amend on January 24, 2011, prior to the deadline for amendments (#28). However, defendant Muzlink, LLC, subsequently filed for bankruptcy, and because it was the only defendant in the action at that time, the court denied plaintiff’s motion to amend without prejudice to its refiling after the termination of bankruptcy proceedings (#43).

