

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC,
 Plaintiff,
vs.
WEHATEGRINGOS.COM, *et al.*,
 Defendants.

Case No. 2:10-cv-01457-LRH-GWF

ORDER

Motion to Amend Complaint (#10)
and Motion to Stay Discovery (#11)

This matter is before the Court on Plaintiff Righthaven LLC’s Motion for Leave to File the First Amended Complaint (#10) and Motion to Stay Discovery (#11), filed January 21, 2011.

To date, no party has responded to the present motions and the time for opposition has now passed. LR 7-2(d) states in pertinent part, that “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” As a result, the Court will grant the present motions based on the substance of the present motions and due to the lack of opposition.

Under Fed.R.Civ.P. 15(a), the Court will grant a party’s request to amend a complaint “when justice so requires.” *Forman v. Davis*, 371 U.S. 178, 182 (1962); *Morongo Band of Mission Indians v. Rose*, 893 F.3d 1074, 1079 (9th Cir. 1990) (stating that Rule 15(a)’s “when justice so requires” clause should be heeded with “extraordinary liberality”). This Court has previously interpreted 15(a) to allow a party to amend pleadings “insofar as the motion to amend is not sought in bad faith, does not cause the opposing party undue prejudice and does not constitute an exercise in futility.” *Wright v. Incline Village Gen. Imp. Dist.*, 597 F.Supp.2d 1191, 1210 (D. Nev. 2009). Plaintiff seeks leave to amend the complaint to add additional parties. (#10). The Court finds that justice requires leave for Plaintiff to amend its complaint and that the motion to amend is not

1 sought in bad faith, does not cause the defendants undue prejudice and does not constitute an
2 exercise in futility.

3 The Court previously ordered that the parties file a stipulated Discovery Plan and
4 Scheduling Order no later than January 21, 2011. Plaintiff requests that the Court stay discovery
5 and the deadline to file a discovery plan until the defendants are served with the amended
6 complaint. As the Court has granted Plaintiff's request to amend its complaint, the Court will grant
7 a stay and extend the deadline to file a stipulated discovery plan and scheduling order.

8 Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File the First Amended
10 Complaint (#10) is **granted**. Plaintiff shall file its amended complaint on or before **March 10,**
11 **2011**.

12 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Stay Discovery (#11) is **granted**.
13 Discovery in this action is stayed until the first defendant files a response to Plaintiff's amended
14 complaint. Furthermore, the Court will extend the deadline to file a discovery plan. The parties
15 shall file a stipulated Discovery Plan and Scheduling Order not later than **30 days** after the first
16 defendant responds to Plaintiff's amended complaint.

17 DATED this 18th day of February, 2011.

18
19 
20 GEORGE FOLEY, JR.
21 United States Magistrate Judge
22
23
24
25
26
27
28