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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FIRST SOUTHERN NATIONAL BANK,  
Plaintiff,  
vs.  
OFF BROADWAY, LLC, *et al.*,  
Defendants.

Case No. 2:10-cv-01790-JCM-GWF

**ORDER**


Defendants/Counterclaimants'  
Motion to Amend Answer to  
Complaint and Counterclaim (#26)

This matter comes before the Court on Defendants/Counterclaimants' Motion to Amend Answer to Complaint and Counterclaim (#26), filed on August 15, 2011. To date, no party has filed an opposition to this motion and the time for opposition has now expired.

Pursuant to Fed. R. Civ. P. 15(a)(2), "leave to amend should be freely given when justice so requires." Defendants request leave to amend their answer and counterclaim based on legislation, which became effective in June 2011, that applies to the complaint and requested relief. The Defendants' request for leave to amend their answer was timely filed (*see* # 25). Further, pursuant to LR 7-2, failure of an opposing party to file a response to a motion constitutes consent to the granting of the motion. Accordingly,

**IT IS HEREBY ORDERED** that Defendants/Counterclaimants' Motion to Amend Answer to Complaint and Counterclaim (#26) is **granted**.

DATED this 7th day of September, 2011.

  
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GEORGE FOLEY, JR.  
United States Magistrate Judge