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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:11-CV-1179 JCM (PAL)

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST, et al.,

Plaintiffs,

v.

SEQUOIA ELECTRIC, LLC., et al.,

Defendants.

ORDER

Presently before the court is plaintiffs Trustees of the Operating Engineers Pension Trust, et al.’s amended motion to add Clear Diamond, LLC and Sequoia Construction, Inc. as defendants. (Doc. #18). Plaintiffs attached a copy of the proposed amended complaint to the motion. (Doc. #18, Ex. 3).

On October 31, 2011, the court denied plaintiffs’ first motion to amend because they had failed to attach a copy of the amended complaint to the motion pursuant to Local Rule 15-1(a). (Doc. #17). In response to the earlier motion to amend, defendants Sequoia Electric, LLC, et. al. filed a notice of non-opposition. (Doc. #16). The instant motion is substantially similar to the previously denied motion. (Doc. #18).


Pursuant to Federal Rule of Civil Procedure 15(a)(2), when justice requires, the court should “freely give leave” to amend. *Id.* This policy “is to be applied with extreme liberality.” *Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001). District courts consider

1 four factors in determining whether leave to amend is appropriate: bad faith, undue delay, prejudice
2 to the opposing party, and/or futility. *Id.*; see also *Foman v. Davis*, 371 U.S. 178, 182 (1962). Local
3 Rule 15-1(a) requires plaintiffs to submit a proposed amended complaint along with the motion to
4 amend. LR 15-1(a).

5 Considering defendants' previously filed notice of non-opposition and good cause appearing,
6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs Trustees of the
7 Operating Engineers Pension Trust, et. al.'s amended motion to add Clear Diamond, LLC and
8 Sequoia Construction, Inc. as defendants (doc. #18) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that plaintiffs file and serve the amended complaint (doc. #18,
10 ex. 3) forthwith.

11 DATED November 9, 2011.

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UNITED STATES DISTRICT JUDGE