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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:12-CV-509 JCM (GWF)

LOUISIANA MUNICIPAL POLICE
EMPLOYEES RETIREMENT
SYSTEM,

Plaintiff,

v.

STEPHEN A. WYNN, et al.,

Defendants.

ORDER

Presently before the court is plaintiffs Louisiana Municipal Employees' Retirement System, Excavators Union Local 731 Welfare Fund, and Maryanne Solak's motion for leave to amend verified consolidated shareholder derivative complaint. (Doc. # 126). Defendants have not responded.

Pursuant to Local Rule 7-2(d), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion. LR 7-2. The instant motion seeks to amend plaintiffs' verified consolidated shareholder derivative complaint. In light of defendants' failure to respond, the court finds granting the motion appropriate. However, in good faith, the court also turns to the merits of the motion.

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." The Supreme Court has interpreted Rule 15(a) and confirmed the liberal

1 standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178
2 (1962), the Court explained: “In the absence of any apparent or declared reason – such as undue
3 delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by
4 amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the
5 amendment, futility of the amendment, etc. – the leave sought should, as the rules require, be ‘freely
6 given.’” *Id.* at 182. In addition to the Rule 15(a) requirements, the local rules of federal practice in
7 the District of Nevada require that a plaintiff submit a proposed, amended complaint along with a
8 motion to amend. LR 15-1(a).

9 The court notes that plaintiffs have complied with Local Rule 15-1 and attached the proposed
10 amended pleading. Further, the court finds none of the illustrative examples given by the Supreme
11 Court in *Foman* as grounds to deny leave here.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs’ motion for leave
14 to amend verified consolidated shareholder derivative complaint (doc. # 126) be, and the same
15 hereby is, GRANTED.

16 IT IS FURTHER ORDERED that plaintiffs file the proposed amended verified consolidated
17 shareholder derivative complaint with the court within seven (7) days of entry of this order.

18 DATED April 1, 2013.

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UNITED STATES DISTRICT JUDGE