

1 court should freely give leave when justice so requires.” FED. R. CIV. P. 15(a)(2). Courts will deny leave
2 to amend, however, if: (1) it will cause undue delay; (2) it will cause undue prejudice to the opposing
3 party; (3) the request is made in bad faith; (4) the party has repeatedly failed to cure deficiencies; or (5)
4 the amendment would be futile. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Jackson v. Bank of Hawaii*,
5 902 F.2d 1385, 1387 (9th Cir. 1990).

6 DISCUSSION

7 Defendant’s motion to amend its answer should be granted for two reasons. First, Defendant’s
8 motion remains unopposed. Pursuant to Local Rules 7-2(b) and (d), oppositions must be filed “fourteen
9 days after service of the motion” and that “[t]he failure of an opposing party to file points and authorities
10 in response to any motion shall constitute a consent to the granting of the motion.” Defendant filed its
11 motion to amend on July 8, 2014. To date, no opposition has been filed. As such, Defendant may be
12 deemed to have consented to the granting of the instant motion under Local Rule 7-2(d).

13 Second, the proposed amendments to the answer do not change the substance of the answer. The
14 proposed amendment minimally alters paragraphs 5 and 6 of the answer and adds a new paragraph. (*See*
15 #11 at 2). Paragraph 7, formerly paragraph 6, now states that Defendant is “the loan servicer for the
16 underlying debt obligation secured by the deed of trust on the property” rather than “a debt collector.”
17 (*Id.*). Additionally, paragraphs 13 and 18 of the “Affirmative Defenses” section contain new language
18 indicating that Defendant holds a deed of trust rather than a lien. (#11 at 9). These small changes appear
19 to be a good faith effort to clarify Defendant’s true position with regard to the property.

20 Given the reasons discussed above, it appears that no prejudice to the Plaintiff shall result from
21 the granting the Defendant leave to amend its answer. As such, the motion to amend is granted.

22 ACCORDINGLY, and for good cause shown,

23 IT IS ORDERED that Defendant’s motion to amend (#11) is GRANTED.
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1 IT IS FURTHER ORDERED that, pursuant to Local Rule 15-1(b), the Defendant must file the
2 approved amended answer to Plaintiff's complaint on or before the 12th of August, 2014.

3 IT IS SO ORDERED.

4 DATED this 29th day of July, 2014.

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8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE
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