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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CARRINGTON MORTGAGE SERVICES,
LLC,

Case No. 2:15-CV-668 JCM (CWH)

ORDER

Plaintiff(s),

v.

RLP MERCER VALLEY, LLC, et al.,

Defendant(s).

Presently before the court is plaintiff Carrington Mortgage Services, LLC’s motion for leave to amend complaint and caption. (ECF No. 56). Defendants have not responded, and the period to do so has since passed.

Federal Rule of Civil Procedure 15(a) provides that “[t]he court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). The United States Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, the Supreme Court explained: “

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be “freely given.”

371 U.S. 178, 182 (1962). Further, Local Rule 15-1(a) states that “the moving party shall attach the proposed amended pleading to any motion to amend” LR 15-1(a).

Pursuant to Local Rule 7-2(d), “the failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” LR 7-2(d). Thus, by failing to file a timely response, defendants have consented to the granting of plaintiff’s motion to amend the complaint and caption. See *United States v. Hvass*, 355 U.S. 570, 574–75

1 (1958) (holding that local rules have the force of law). Therefore, the court will grant plaintiff's
2 motion for leave to amend the complaint and caption.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for
5 leave to file an amended complaint (ECF No. 56) be, and the same hereby is, GRANTED.

6 IT IS FURTHER ORDERED that plaintiff shall file, within seven (7) days from the entry
7 of this order, an amended complaint identical to that attached to its motion (ECF No. 56-1).

8 IT IS FURTHER ORDERED that plaintiff shall file, within seven (7) days from the entry
9 of this order, "a sworn statement indicating that the issues addressed in the complaint have been
10 mediated pursuant to the provisions of NRS 38.300 to 38.360, inclusive, but an agreement was not
11 obtained." Nev. Rev. Stat. § 38.330(1).

12 DATED April 17, 2017.

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14 _____
UNITED STATES DISTRICT JUDGE