UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEVIN ZIMMERMAN,

Plaintiff,

vs.

STARBUCKS CORPORATION,

Defendant.

Case No. 2:17-cv-01201-GMN-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 21), filed on November 10, 2017. To date, Defendant has not filed an opposition to this motion and the time for opposition has now expired.[1]

Under Fed. R. Civ. P. 15(a)(2), prior to trial, a party "may amend its pleading only with the opposing party's written consent or the court's leave." Courts should freely give leave to amend "when justice so requires". *Id.* As this Court has previously stated "Rule 15's policy of favoring amendments to pleadings should be applied with 'extreme liberality'" where the motion to amend "is not sought in bad faith, does not cause the opposing party undue delay, does not cause the opposing party undue prejudice, and does not constitute an exercise in futility." *Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191, 1210 (D.Nev. 2009).

Plaintiff requests leave to file an amended complaint, which will maintain the same set of facts and causes of actions against Defendant but will include additional allegations and an additional prayer for relief. The Court finds that justice requires granting Plaintiff's request because the leave to amend is sought in good faith, does not cause the opposing party undue delay or undue

[1] Pursuant to Local Rule 7-2(d), "The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion."

prejudice, and does not constitute an exercise in futility. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 21) is **granted**.

IT IS FURTHER ORDERED that Plaintiff may file the amended complaint attached to Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 21) as Exhibit 1.

DATED this 29th day of November, 2017.

GEORGE FOLEY, JR.
United States Magistrate Judge