

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

NICOLE WELLONG and LUCIO MARTINEZ,

Plaintiffs,

v.

FIKE INDUSTRIAL CONSTRUCTION LLC  
and STEVE GUERRERO,

Defendant.

Case No. 3:20-cv-01855-YY

OPINION AND ORDER

Plaintiff has filed a Motion for Leave to File First Amended Complaint (ECF 10), which is GRANTED for the reasons discussed below.<sup>1</sup>

Federal Rule of Civil Procedure 15(a)(2) provides that “[t]he court should freely give leave when justice so requires.” However, leave to amend “is not to be granted automatically.” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990) (emphasis added). The court “may exercise its discretion to deny leave to amend due to ‘undue delay, bad faith or dilatory motive on part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party, . . . [and] futility of amendment.’” *Carvalho v.*

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<sup>1</sup> “Generally, a motion for leave to amend the pleadings is a nondispositive matter that may be ruled on by a magistrate judge pursuant to 28 U.S.C. § 636(b)(1). *Cazares v. Morris*, No. CV-09-2168-PHX-ROS (LOA), 2011 WL 2414543, at \*2 (D. Ariz. June 16, 2011) (citations omitted).

