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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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SAM BURNINGHAM,

Plaintiff,

v.

ELPOLLO LOCO, INC. DBA EL POLLO  
LOCO #3652,

Defendant.

MEMORANDUM DECISION AND ORDER  
DENYING MOTION FOR LEAVE TO  
AMEND COMPLAINT

Case No. 2:17-cv-0430 BCW

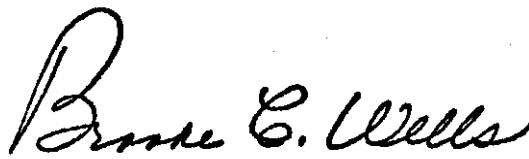
Magistrate Judge Brooke Wells

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Plaintiff, Sam Burningham, by and through counsel, Michael Studebaker, seeks leave to amend the Complaint.<sup>1</sup> In support, Plaintiff cites to “Federal Rule of Civil Procedure 15(a)(2), which states, in relevant part, ‘A party may amend its pleading once as a matter of course...with the opposing party’s written consent...’”<sup>2</sup> Plaintiff, however, fails to provide any indication that the opposing party has given written consent. Instead, Plaintiff simply attaches the new proposed Complaint that names a different Defendant.

Accordingly, the court DENIES the Motion to Amend.

DATED this 21 July 2017.



Brooke C. Wells  
United States Magistrate Judge

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<sup>1</sup> Docket no. 5.

<sup>2</sup> Motion p. 1, (quoting Fed. R. Civ. P. 15(a)(2)).