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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiff,

v.

HYPERION VOF, a Belgium corporation,

Defendant.

CASE NO. C07-631RSM

ORDER ON MOTION FOR LEAVE TO AMEND

This matter is before the Court for a ruling on plaintiff’s motion for leave to file an amended complaint. Dkt. # 81. Defendant has opposed the motion, arguing that certain allegations in the amended complaint contradict previous sworn statements and other evidence of record in this case. However, under the liberal amendment standard of F.R.Civ.Proc. 15(a), the Court finds that amendment should be allowed so that the pleadings may conform to the facts as they have been developed through discovery. Defendant may argue regarding the asserted inconsistencies between the amended complaint and previous assertions in the record by way of appropriate motion.

Plaintiff’s motion for leave to file an amended complaint is therefore GRANTED. Plaintiff shall file the amended complaint within twenty days of the date of this Order. As this ruling moots plaintiff/counter defendant’s motion for judgment on the pleadings regarding defendant’s counterclaims, that motion (Dkt. # 98) shall be STRICKEN from the Court’s calendar.

ORDER ON MOTION FOR LEAVE TO AMEND - 1

1 In light of defense counsel's Notice of Unavailability (Dkt. # 102), defendant's answer to the
2 amended complaint shall not be due until June 13, 2008. Once the answer has been filed, the Clerk shall
3 issue the Order Regarding Initial Disclosures and Regarding Joint Status Report.

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5 DATED this 21 Day of April 2008.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE