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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARJORIE OGILVIE,

11 Plaintiff,

12 v.

13 THRIFTY PAYLESS, INC.,

14 Defendant.

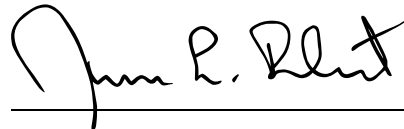
CASE NO. C18-0718JLR

ORDER STRIKING SECOND
AMENDED COMPLAINT

15 On August 13, 2018, Plaintiff Marjorie Ogilvie filed a second amended complaint.
16 (SAC (Dkt. # 19).) Because the time has passed for amending her complaint as a matter
17 of course, *see* Fed. R. Civ. P. 15(a)(1), Ms. Ogilvie may amend her “pleading only with
18 the opposing party’s written consent or the court’s leave,” Fed. R. Civ. P. 15(a)(2). Ms.
19 Ogilvie attaches to her second amended complaint an email in which Defendant Thrifty
20 PayLess, Inc.’s counsel consents to a filing. (*See* Email (Dkt. # 19-2) at 2.) That email is
21 insufficient, however, to establish Thrifty PayLess’s written consent under Rule 15(a)(2).
22 The court cannot discern that counsel consented specifically to the second amended

1 | complaint. (*See id.*) Accordingly, the court DIRECTS the Clerk to strike that filing (Dkt.
2 | # 19). Ms. Ogilvie must file a stipulation indicating Thrifty PayLess's written consent
3 | before filing her second amended complaint. *See Windermere Holdings, LLC v. U.S.*
4 | *Wall Decor, LLC*, No. C 10-03955 LB, 2011 WL 3419467, at *2 (N.D. Cal. Aug. 4,
5 | 2011) (directing the plaintiff to supplement the record "to reflect the parties' stipulation"
6 | to an amended complaint).

7 | Dated this 17th day of August, 2018.

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10 | JAMES L. ROBERT
11 | United States District Judge