

1 HONORABLE RONALD B. LEIGHTON  
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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

11 ADVOCARE INTERNATIONAL, L.P., a  
12 Texas limited partnership

12 Plaintiff,

13 v.

14 RICHARD PAUL SCHECKENBACH, et al.,

15 Defendants.

Case No. C08-5332 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND

16  
17 THIS MATTER is before the Court on plaintiff Advocare's Motion for Leave to Amend [Dkt. #40].  
18 Defendants recognize that the issue is governed by fed. R. Civ. P. 15, but argues that the proposed amended  
19 claims are too late and futile. Plaintiff correctly points out that Defendants seek the equivalent of a summary  
20 judgment on the proposed amended claims before they are even in the case. Defendants claim, but have not  
21 demonstrated, that they will suffer prejudice if amendment is permitted.

22 The Plaintiff's Motion for Leave to Amend under Rule 15 is GRANTED. Plaintiff shall file an amended  
23 complaint<sup>1</sup> consistent with the allegations made in its Motion by Monday, January 19, 2009.

24 IT IS SO ORDERED this 12<sup>th</sup> of January, 2009.

25   
26 RONALD B. LEIGHTON  
27 UNITED STATES DISTRICT JUDGE

28 <sup>1</sup>The Plaintiff's Proposed Order references a First Amended Complaint as an attachment to the Motion,  
but the attachment is not on file.