

1 THE HONORABLE RONALD B. LEIGHTON

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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 HYDRO SYNTEC CHEMICALS, INC., a
13 Colorado corporation,

14 Plaintiff,

15 v.

16 CHINOOK VENTURES, INC., a Nevada
17 corporation; CHINOOK VENTURES, INC. dba
18 CHINOOK VENTURES LV, a Nevada
19 corporation; MILLENNIUM BULK
20 TERMINALS LONGVIEW, LLC, a Delaware
21 limited liability company; RITCHIE BROS
22 AUCTIONEERS (AMERICA) INC., a
23 Washington corporation,

24 Defendants.

NO. CV 11-05470 RBL

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND

25 **THIS MATTER** is before the Court upon Plaintiff's Motion to Amend its Complaint
26 and Join New Parties. [Dkt. #36]. Defendants oppose the Motion, arguing that the claims are
baseless and/or premature, and that amendment would be futile.

Under Fed. R. Civ. P. 15, leave to amend shall be freely granted when justice so
requires. *See Price v. Kramer*, 200 F.3d 1237, 1250 (9th Cir. 2000), cert. denied, 531 U.S.
816 (2000). The purpose of the rule is to encourage decisions on the merits rather than on the

ORDER - 1 of 2
(CV 11-05470 RBL)

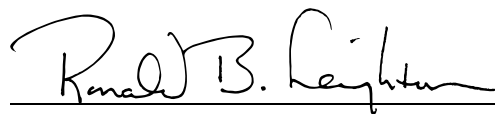
1 precision (or imprecision, as the case may be) of the pleadings. *See Lopez v. Smith*, 203 F.3d
2 1122, 1127 (9th Cir. 2000).

3 In determining whether to grant leave to amend, district courts look to factors such as
4 “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure
5 deficiencies by amendments previously allowed, undue prejudice to the opposing party by
6 virtue of the allowance of the amendment, futility of the amendment, etc.” *Foman v. Davis*
7 371 U.S. 178, 182 (1962). Not all of these factors apply with equal force; “it is the
8 consideration of prejudice to the opposing party that carries the greatest weight.” *Eminence*
9 *Capital LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).

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11 Defendants have not persuaded the court that any of these factors is present, or that
12 any deficiencies in the Plaintiff’s new claims should not be addressed on the merits. The
13 Motion to Amend [Dkt. #36] is therefore GRANTED and Plaintiff shall file its Amended
14 Complaint [Dkt. #37-1] within five days of the date of this Order.
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16 **IT IS SO ORDERED.**

17 Dated this 23rd day of January, 2012.

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20 RONALD B. LEIGHTON
21 UNITED STATES DISTRICT JUDGE
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