

Complaint because the exhaustion of administrative remedies under the FTCA had not yet been completed. *See* 28 U.S.C. § 2675(a). The Court granted Professor Xi's motion to amend and the Amended Complaint was filed on the docket on July 7, 2017.

3. Upon stipulation of all parties, the Court set a September 25, 2017 deadline for defendants' responsive pleadings. Defendants Haugen and United States filed motions to dismiss on September 25, 2017.

4. Upon an October 5, 2017 stipulation by the parties, the Court allowed plaintiffs until October 31, 2017, to file a second amended complaint. Defendants represented that they would not oppose a motion to file a second amended complaint.

5. Under Fed. R. Civ. Pr. 15(a)(2), the Court should "freely give leave" to amend the complaint "when justice so requires." Amendment is appropriate for reasons stipulated to by the parties on October 5, 2017. Plaintiffs seek to make the proposed amendments in response to some of the defendants' arguments raised in the motions to dismiss and permitting this amendment could serve to narrow the areas of contention for the Court to resolve.

6. Paul Werner, counsel for the defendants, does not oppose plaintiffs' request for leave to amend.

7. The proposed Second Amended Complaint is attached to this motion.

WHEREFORE, for the foregoing reasons, plaintiffs respectfully request that the Court grant the motion and order that the Second Amended Complaint attached to this motion be entered on the docket.

Respectfully submitted,

DATE: 10/31/2017

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CERTIFICATE OF SERVICE

I, Susan M. Lin, hereby certify that the foregoing Second Unopposed Motion for Leave to Amend the Complaint was on October 31, 2017, filed via the Court's CM/ECF system and, as such, was served upon the below counsel:

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