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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASBIR SINGH; BANY LOPEZ; JULIO VIDRIO; JAMES SLIGER; DERRICK LEWIS; JERRY LEININGER; KRISTOPHER SPRING; and JERRY WOOD,

Plaintiffs,

v.

ROADRUNNER INTERMODAL SERVICE, LLC; CENTRAL CAL TRANSPORTATION, LLC; and DOES 1-100, inclusive,

Defendants.

No. 1:15-cv-01497-DAD-BAM

ORDER GRANTING LEAVE TO AMEND

(Doc. No. 35)

On February 9, 2015, plaintiffs filed the original complaint for this putative class action in the Superior Court of California, County of San Francisco, alleging seven causes of action, including failure to provide meal and rest periods, failure to pay minimum wages, unlawful business deductions, failure to pay wages upon termination of employment, failure to issue statutory complaint wage statements, and violations of the California Business and Professions Code § 17200 *et seq.* (Doc. No. 1-1.) On April 15, 2015, defendants Roadrunner Intermodal Services, LLC, Central Cal Transportation, LLC, and Morgan Southern Inc. removed the action to federal court. (Doc. No. 1.) In a joint case management statement, filed July 17, 2015,

1 defendants contended that “[p]laintiffs had no contractual or other relationship with Defendants,  
2 Roadrunner Intermodal Services, LLC (‘RRIS’), and Morgan Southern, Inc. (‘MSI’).” (Doc. No.  
3 14, at 3.)

4 On January 21, 2016, plaintiffs filed the present motion to amend (Doc. No. 35-1) along  
5 with a proposed first amended complaint (Doc. No. 35-2). Plaintiffs seek to add three new  
6 plaintiffs, who were all employed by Morgan Southern, Inc. (Doc. No. 35-1, at 3.) Defendants  
7 have not filed an opposition to plaintiff’s motion. Moreover, the court held a hearing on the  
8 motion on May 3, 2016. Although plaintiffs’ counsel Daniel Kopfman was present, defendants  
9 failed to appear at that hearing and did not otherwise contact the court in any way to indicate their  
10 position regarding plaintiffs’ motion.<sup>1</sup> For the reasons that follow, the court will grant plaintiff’s  
11 motion to amend.

12 The Federal Rules of Civil Procedure provide that leave to amend pleadings “shall be  
13 freely given when justice so requires.” FED. R. CIV. P. 15(a)(2). Nevertheless, leave to amend  
14 need not be granted where the amendment: (1) prejudices the opposing party; (2) is sought in bad  
15 faith; (3) produces an undue delay in litigation; or (4) is futile. *See Amerisource Bergen Corp. v.*  
16 *Dialysist West, Inc.*, 465 F.3d 946, 951 (9th Cir. 2006) (citing *Bowles v. Reade*, 198 F.3d 752,  
17 757 (9th Cir. 1999)). “Prejudice to the opposing party is the most important factor.” *Jackson v.*  
18 *Bank of Haw.*, 902 F.2d 1385, 1387 (9th Cir.1990) (citing *Zenith Radio Corp. v. Hazeltine*  
19 *Research, Inc.*, 401 U.S. 321, 330–31 (1971).

20 Here, each of the original plaintiffs all worked out of the Central Cal Transportation LLC  
21 office. The three proposed new plaintiffs all worked out of the office of Morgan Southern Inc.

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22 <sup>1</sup> It is conceivable that defendants’ counsel has been confused by the reassignment of this action  
23 and related court orders. On January 25, 2016, after defendants declined to consent to magistrate  
24 judge jurisdiction, this action was assigned to U.S. District Judge Kimberly Mueller, sitting in  
25 Sacramento. (Doc. No. 38.) Thereafter, the hearing on plaintiffs’ motion to amend was first reset  
26 for February 26, 2016 and then for March 25, 2016, before Judge Mueller. (Doc. Nos. 39, 41.)  
27 However, on February 18, 2016, the case was reassigned to the undersigned in the Fresno  
28 Division of the court. (Doc. No. 42.) Thereafter, the hearing on the motion was reset for May 3,  
2016 before the undersigned. Doc. No. 44.) Nonetheless, Local Rule 230(c) requires a party to  
file either an opposition or a statement of non-opposition to any properly noticed motion.  
Counsel for defendants is forewarned that any future failure to comply with the Local Rules may  
result in the imposition of sanctions.

1 (Doc. No. 35-1., at 3.) Plaintiffs contend that “[a]dding the three proposed new Plaintiffs to the  
2 Complaint will facilitate the discovery process and [ ] address any potential arguments that the  
3 original Plaintiffs are not adequate class representatives of persons employed by Morgan  
4 Southern, Inc.” (*Id.*)


5 There is nothing before the court to suggest bad faith on part of plaintiffs or any undue  
6 prejudice to defendants posed by the granting of leave to amend. Under these circumstances, the  
7 court will grant plaintiffs’ motion to amend their complaint and this matter will now proceed with  
8 plaintiffs’ first amended complaint as the operative pleading. *See Estrella v. Freedom Financial*  
9 *Network, LLC*, No. CV 09-3156 SI, 2011 WL 4595017, at \*2 (N.D. Cal. Oct. 3, 2011)  
10 (permitting plaintiffs to amend their complaint to add additional class representatives in order “to  
11 ensure complete class representation.”).

12 **ORDER**

- 13 1. Plaintiffs’ motion to amend (Doc. No. 35-1) is granted; and  
14 2. This action will proceed on plaintiff’s first amended complaint (Doc. No. 35-2) as the  
15 operative pleading.

16 IT IS SO ORDERED.

17 Dated: May 3, 2016

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20 UNITED STATES DISTRICT JUDGE  
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