

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STARVONNA HARRIS, et al.,
Plaintiffs,
v.
BEST BUY STORES, L.P.,
Defendant.

Case No. [17-cv-00446-HSG](#)**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**


Re: Dkt. No. 46

Pending before the Court is Plaintiffs' motion for leave to file a second amended complaint, Dkt. No. 46, which is now fully briefed. The motion seeks to add a seventh cause of action for violation of the Private Attorneys General Act ("PAGA"), Cal. Labor Code § 2698 et seq., by Plaintiff Harris, on behalf of Defendant's current and former California employees. Dkt. No. 46-2 at 22–24 (redlined second amended complaint). Under Federal Rule of Procedure 15(a)(2), "leave to amend shall be freely granted 'when justice so requires.'" *Townsend v. Univ. of Alaska*, 543 F.3d 478, 485 (9th Cir. 2008) (quoting Fed. R. Civ. P. 15(a)(2)). "This policy is to be applied with extreme liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (internal quotation marks omitted). The five factors relevant to determining proper amendment are (1) bad faith, (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment, and (5) previous amendments. *Foman v. Davis*, 371 U.S. 178, 182 (1962); see also *Wash. State Republican Party v. Wash. State Grange*, 676 F.3d 784, 797 (9th Cir. 2012) (same factors). The Court weighs prejudice to the opposing party most heavily. *Eminence Capital*, 316 F.3d at 1052 (9th Cir. 2003). "Absent prejudice, or a strong showing of any of the remaining *Foman* factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend." *Id.* (emphasis in original). Having carefully considered the parties' arguments, the Court finds that Defendant has failed to demonstrate prejudice or make a strong showing as to any of the other

1 Foman factors, and the presumption in favor of granting leave to amend applies. The Court thus
2 **GRANTS** Plaintiff's motion.¹ The second amended complaint must be filed by July 14, 2017.

3 **IT IS SO ORDERED.**

4 Dated: 7/13/2017

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6 HAYWOOD S. GILLIAM, JR.
7 United States District Judge
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28 ¹ The Court finds this matter appropriate for disposition without oral argument and the matter is
deemed submitted. See Civil L.R. 7-1(b).