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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ASHLEY FRANZ, individually and on
behalf of others similarly situated,

Plaintiff,

vs.

BEIERSDORF, INC.,

Defendant.

CASE NO. 14cv2241-LAB (AGS)

**ORDER GRANTING MOTION FOR
LEAVE TO AMEND [Dkt. 86]**

Plaintiff Ashley Franz seeks leave to amend her complaint to substitute a new plaintiff, Stacie Somers, in her place. Dkt. 86. Because more than 21 days have passed since Defendant Beiersdorf responded to Franz's complaint, she may not unilaterally amend at this stage. Fed. R. Civ. P. 15(a)(2). But the Federal Rules are clear that "the court should freely give leave [to amend] when justice so requires." *Id.* In situations like this, where the original plaintiff's health might affect his or her ability to adequately represent the class, courts routinely permit substitution of class plaintiffs. *See, e.g., Hinojos v. Kohl's Corp.* 2013 WL 5835780, at *2 (C.D. Cal. 2013); *Thorn v. Bob Evans Farms, LLC*, 2013 WL 2456336, at *2 (S.D. Ohio 2013).

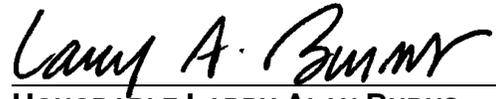
The Court finds good cause to permit amendment here. Defendants do not oppose Plaintiff's request, which is prima facie evidence that amendment would not result in prejudice. Further, the amendment would not expand the scope of this case, as Plaintiff Stacie Somers's claims mirror those brought by the original Plaintiff, Ashley Franz. Finally,

1 Plaintiff submits that the amendment will not affect any deadlines in this case, discovery-
2 related or otherwise. Plaintiff's motion for leave to amend is **GRANTED**. Dkt. 86.

3 Plaintiff's Motion for Leave to File Documents Under Seal is likewise **GRANTED**.
4 Dkt. 84. The Clerk is directed to keep those documents under seal pending further order of
5 the Court.

6 **IT IS SO ORDERED.**

7 Dated: October 8, 2019


8 **HONORABLE LARRY ALAN BURNS**
9 Chief United States District Judge

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