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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JONATHAN DENICOLA, et al., Plaintiffs, vs. SOLARCITY CORPORATION, et al., Defendants.	CASE NO. 17cv820-LAB **ORDER GRANTING LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs ask for leave to file an amended complaint to add allegations, including PAGA claims, to avoid statute of limitations issues. The Court should freely give leave to amend when justice so requires. Fed. R. Civ. P. 15(a). Defendants argue that adding the PAGA claims would be futile: similar state court PAGA actions are pending, so the Defendants would seek, and win, a stay. Maybe so. But Defendants haven't made a sufficient showing that their likelihood of winning a stay is so obvious as to outweigh the liberal amendment policy. They didn't cite any authority for their position, and, Defendants previously argued that class representatives like Jonathan Denicola wouldn't have qualified as a plaintiff "in any pending action." [Dkt. 32 at 6.] Plaintiffs have shown that there's no issues of notice, delay, or prejudice in allowing amendment. The motion for leave to file an amended complaint is **GRANTED**.

IT IS SO ORDERED.

DATED: 12-6-17

Larry A. Burns

HONORABLE LARRY ALAN BURNS
United States District Judge

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