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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ARIEL SHUCKETT, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

DIALAMERICA Marketing Inc.,

Defendant.

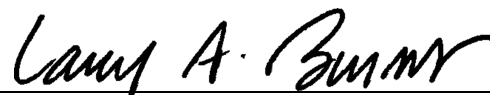
CASE NO. 17cv2073-LAB (KSC)

ORDER GRANTING LEAVE TO AMEND

Ariel Shuckett asks to amend her complaint to add defendant American Standard. Leave to amend should be freely granted. Fed. R. Civ. P. 15. DialAmerica doesn't oppose adding American Standard. Instead, DialAmerica argues it's an improper defendant because it only placed one call to Shuckett and she didn't answer the phone. But the only question on the table is whether the Court should allow Shuckett to amend to add American Standard—not whether she has a valid claim against DialAmerica. Shuckett's motion to file a second amended complaint is granted. If DialAmerica is right, and it's an improper defendant, the parties should file a joint motion to dismiss DialAmerica from the action. If Shuckett still thinks DialAmerica violated the Telephone Consumer Protection Act, then DialAmerica should file a motion to dismiss.

IT IS SO ORDERED.

Dated: July 9, 2018



HONORABLE LARRY ALAN BURNS
United States District Judge