

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY LINEHAN, on behalf of  
Plaintiff and a class,

Plaintiff,

v.

ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.,

Defendant.

CASE NO. C15-1012-JCC

ORDER

This matter comes before the Court on the motion to file a second amended complaint by Plaintiffs Portia and Scott Jones (Dkt. No. 137). Plaintiffs seek to amend their first amended complaint to name additional class representatives, Alexandra Sasa Hewardt Anderson and Angela Root. (*Id.* at 1.)

Fed. R. Civ. P. 15(a)(2) provides that, after a pleading has been amended once, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” In deciding whether to grant a motion to amend, “the factor of prejudice to the opposing party carries the greatest weight, and the party opposing amendment ‘bears the burden of showing prejudice.’” *Williams v. Kitsap County*, 2009 WL 1362483 at \*1 (W.D. Wash. May 14, 2009) (quoting *Eminence Capital, LLC v. Aspeon Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)).

1 Here, Plaintiffs maintain that Defendants will suffer no prejudice if leave to amend is  
2 granted, because discovery is still underway and Defendants have not yet deposed Plaintiffs.  
3 (Dkt. No. 137 at 2-3.) No opposition to this motion was filed. "Except for motions for summary  
4 judgment, if a party fails to file papers in opposition to a motion, such failure may be considered  
5 by the court as an admission that the motion has merit." W.D. Wash. Local Civ. R. 7(b)(2).

6 Accordingly, the Court finds it appropriate to grant leave to amend. Plaintiffs' motion  
7 (Dkt. No. 137) is hereby GRANTED. Plaintiffs shall file their second amended complaint within  
8 one week of this order's issuance.

9 DATED this 13th day of September 2016.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE