

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV 19-1480-MWF (AFMx)**

**Date: April 27, 2021**

Title: B/E Aerospace, Inc. v. C&D Zodiac Inc. et al.

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Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:  
Rita Sanchez

Court Reporter:  
Not Reported

Attorneys Present for Plaintiff:  
None Present

Attorneys Present for Defendant:  
None Present

**Proceedings (In Chambers):** ORDER RE: PLAINTIFF’S MOTION TO AMEND COMPLAINT [279]

Before the Court is Plaintiff B/E Aerospace Inc.’s (“B/E”) Motion to Amend Complaint (the “Motion”), filed on March 15, 2021. (Docket No. 279). Defendants C & D Zodiac, Inc., Heath Tecna, Inc., Zodiac Northwest Aerospace Technologies, and Zodiac Seats US LLC (collectively, “Zodiac Defendants” or “Defendants”) filed an opposition on March 29, 2021. (Docket No. 282). Plaintiff filed a reply on April 12, 2021. (Docket No. 283).

The Court has read and considered the papers filed in connection with the Motion and held a telephonic hearing on **April 26, 2021**, pursuant to General Order 21-03 arising from the COVID-19 pandemic.

For the reasons discussed below, the Motion is **GRANTED**.

The primary question presented here is whether the Motion should be governed by Federal Rule of Civil Procedure 15 or 16. (Motion at 6); (Opposition at 8).

When this case was stayed on July 12, 2017, four months remained to amend the pleadings. (*B/E Aerospace, Inc. v. Zodiac Aerospace et al.*, 2:16-cv-01417-JRG-RSP (the “E.D. Tex. Docket”) (E.D. Tex. Docket No. 189). This Court lifted the stay on February 9, 2021. (Docket No. 259). Because Plaintiff had four months remaining to amend the pleadings when the stay was entered, and because Plaintiff promptly moved to amend after the stay was lifted, Plaintiff’s request to amend the pleadings is deemed

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to be within the deadline for amendment without leave of court. (Reply at 4-5). Therefore, the Motion is evaluated under Rule 15, which requires that leave to amend “be freely given when justice so requires.” Fed. R. Civ. P. 15(a)(2); *see Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000) (holding that, where a party moves to amend its pleadings on or before the deadline to amend, a motion for leave to amend is evaluated under Rule 15).

The Court rejects Defendants’ argument that assertion of the amended claims is futile or otherwise improper under Rule 15. (Opposition at 11-15). The claims appear to be sufficiently pled and the evidence before the Court does not support Defendants’ equitable estoppel arguments. (*Id.* at 15).

The Court also rejects Defendants’ arguments that adding Safran Seats Santa Maria LLC (“Safran Seats”), Zodiac Seats California LLC (“Zodiac Seats”), and MAG Aerospace Industries, LLC (“MAG”) as defendants is improper under Rule 15. (*Id.* at 17). Defendants’ undue delay argument has merit, but Defendants fail to persuade the Court that any of the other Rule 15 factors, including prejudice, weigh against the addition of Safran Seats, Zodiac Seats, or MAG as Defendants. *Sonoma Cty. Ass’n of Retired Employees v. Sonoma Cty.*, 708 F.3d 1109, 1117 (9th Cir. 2013) (quoting *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)). Under these circumstances the Court is not inclined to deny Plaintiff’s request on the basis of undue delay alone.

The Motion is therefore **GRANTED** in its entirety, both as to the claims and the new defendants.

Plaintiff shall file the First Amended Complaint (“FAC”) on or before **April 30, 2021**. Defendants shall file a response to the FAC on or before **May 14, 2021**.

IT IS SO ORDERED.