

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JUISHAN HSU, individually and  
as personal representative of the  
ESTATE OF CHUNG CHEN, and  
VIVIAN CHEN,  
Plaintiffs,

v.

PRINCESS CRUISE LINES LTD.,  
Defendant.

CV 20-3488 DSF (JCx)

Order GRANTING in part  
Defendant's Motion to Dismiss  
(Dkt. 30) and DENYING as moot  
Plaintiff's Unopposed Motion to  
Stay (Dkt. 31)

Defendant Princess Cruise Lines Ltd. moves to dismiss the First Amended Complaint (FAC) filed by Plaintiffs Juishan Hsu, individually, as survivor of her deceased husband, and as pending personal representative of the Estate of Chung Chen, and Vivian Chen, individually and as survivor of her deceased father. Dkt. 30-1 (Mot.).<sup>1</sup> Plaintiffs oppose. Dkt. 33 (Opp'n). The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. For the reasons stated below, the motion is GRANTED in part.


---

<sup>1</sup> Two days after Defendant filed its motion to dismiss, Plaintiffs filed an unopposed motion to stay the case for 90 days pending appointment of Hsu as the personal representative of the Estate of Chung Chen. Dkt. 31. On August 7, 2020, Plaintiffs notified the Court that Hsu had been appointed as the personal representative as of July 30, 2020. Dkt. 34. Therefore, the Court DENIES the motion to stay as moot.

Defendant contends that “Plaintiffs have failed to plead sufficient facts to establish that Juishan Hsu has been appointed the personal representative of the Estate of Chung Chen or that Juishan Hsu is Chung Chen’s successor in interest.” Mot. at 5. Plaintiffs do not dispute this fact but contend that “[t]he Judge is approving the appointment pending the letters being issued,” Opp’n at 11, which apparently occurred as of July 30, 2020, Dkt. 34. Therefore, Defendant’s motion to dismiss is GRANTED to the extent the FAC fails to adequately allege that Hsu is the personal representative of the Estate of Chung Chen. An amended complaint must be filed no later than September 17, 2020.<sup>2</sup> Failure to file by that date will waive the right to do so. The Court does not grant leave to add new defendants or new claims. Leave to add new defendants or new claims must be sought by a properly-noticed motion. At the time of filing the amended complaint, Plaintiffs must also submit a red-lined version to the Court’s chambers email.

IT IS SO ORDERED.

Date: August 21, 2020

  
Dale S. Fischer  
United States District Judge

---

<sup>2</sup> The Court encourages Plaintiffs to review the Orders issued in the related cases prior to preparing their Second Amended Complaint.