

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 08-412-KSF

JERRY SANDER

PLAINTIFF

v.

OPINION & ORDER

GRAY TELEVISION GROUP, INC.,
d/b/a “WKYT-TV” Lexington, *et al*

DEFENDANTS

* * * * *

Currently before the Court is the motion of the plaintiff, Jerry Sander, for leave to amend his complaint to assert claims for retaliation under KRS Chapter 344 and Kentucky public policy [DE #21]. The defendants object to Sanders’ motion. For the reasons set forth below, Sanders’ motion to amend will be granted.

Sanders filed this civil action for wrongful termination on October 7, 2008 [DE #1]. Specifically, Sanders alleges that he was terminated from his position as a reporter for the defendant, Gray Television Group, Inc. d/b/a WKYT-TV, in violation of the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.* and the Kentucky Civil Rights Act, KRS Chapter 344. His complaint also asserts a claim for breach of contract. A Scheduling Order was subsequently entered by the Court on January 20, 2009 setting forth various deadlines for motions and discovery [DE #16]. Specifically, the Scheduling Order provided that all pretrial discovery shall be completed and all amended pleadings shall be filed by September 24, 2009. Thereafter, on August 27, 2009 Sanders filed his timely motion for leave to amend his complaint to add additional claims for retaliation under KRS Chapter 344 and for wrongful discharge under Kentucky Public

Policy.

In support of his motion, Sanders contends that his motion was made within the time allowed by the Court's Scheduling Order and results from discovery obtained during recent depositions. Sanders further asserts that the motion for leave to amend was not made with undue delay, bad faith or dilatory motive. The Court finds that Sanders' motion is well taken. Therefore, in accordance with Rule 15(a) of the Federal Rules of Civil Procedure which provides that leave to amend shall be freely given when "justice so requires," Sanders' motion for leave to amend will be granted.

Accordingly, the Court, being fully and sufficiently advised, hereby **ORDERS**:

- (1) Sanders' motion for leave to amend [DE #21] is **GRANTED** and the Clerk is directed to **FILE** Sanders' tendered First Amended Complaint; and
- (2) within ten (10) days from the date hereof, the parties shall file a notice as to the need for additional discovery in this matter.

This October 27, 2009.



Signed By:

Karl S. Forester *K S F*

United States Senior Judge