

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION
CASE NO. 1:08-CV-00156-R**

HAROLD T. SHINES

PLAINTIFF

v.

**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET/
DEPARTMENT OF FINANCIAL INSTITUTIONS**

DEFENDANT

OPINION & ORDER

This matter comes before the Court upon Plaintiff's Motion to Amend Complaint to Include Negligence on the Part of the Defendant (DN 45), Motion for Amend Relief to State Equitable Relief (46), Motion for Amend to Add Plaintiff Lost of Job as Equitable Relief and Claim (DN 47), and Motion for Amend to Add Age Discrimination to Complaint (DN 48).

Federal Rule of Civil Procedure 15(a)(2) provides that "a party may amend its pleading only with the opposing party's written consent or the court's leave." The rule directs that the "court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). This rule gives effect to the principle that, as far as possible, cases should be determined on their merits and not on technicalities. *Cooper v. Am. Employers' Ins. Co.*, 296 F.2d 303, 306 (6th Cir. 1961). Denial of leave to amend may be appropriate "where there is undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc." *Miller v. Champion Enters., Inc.*, 346 F.3d 660, 690 (6th Cir. 2003) (citations and quotation omitted).

Plaintiff filed the motions to amend on June 10, 2010, less than one month before the trial scheduled on July 6, and more than two months after Defendant moved to dismiss. The Court

finds that denial of leave to amend is appropriate as a result of Plaintiff's undue delay.

Therefore, IT IS HEREBY ORDERED that Plaintiff's Motion to Amend Complaint to Include Negligence on the Part of the Defendant (DN 45), Motion for Amend Relief to State Equitable Relief (46), Motion for Amend to Add Plaintiff Lost of Job as Equitable Relief and Claim (DN 47), and Motion for Amend to Add Age Discrimination to Complaint (DN 48) are DENIED.