

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CHESAPEAKE APPALACHIA LLC,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-00207

MOUNTAIN V OIL & GAS INC., et al.

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the parties' stipulated motion to amend the Amended Complaint and caption in this case [Docket 90.] For the reasons that follow, the Court **GRANTS** the motion.

On January 25, 2012, Plaintiff amended its Complaint. (Docket 71.) Among other matters, Plaintiff added a corporate defendant and alleged its name as "Wells H D Oil & Gas Exploration & Development, Inc." ("H D Wells") (*Id.*) In answering the Amended Complaint, Defendant H D Wells stated that its correct name is "H D Wells Oil & Gas Exploration & Development, Inc." (Docket 85 at 1.)

Pursuant to Federal Rule of Civil Procedure 15(a)(2), after a party has amended its pleading once, further amendment is permitted only with the opposing party's written consent or the Court's leave.

Here, Plaintiff has amended its Complaint once. However, as evidenced by the stipulated motion to amend the Complaint, all four defendants have tendered their written consent to the

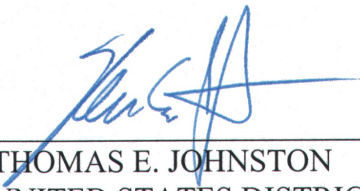
proposed amendment of the Amended Complaint in this case, thereby satisfying the requirements of Rule 15(a)(2).

Accordingly, the Court **GRANTS** the parties' stipulated motion to amend the Amended Complaint and caption in this case. The Court further **DIRECTS** the Clerk to amend the case caption changing Defendant H D Wells's name to "H D Wells Oil & Gas Exploration & Development, Inc."

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 25, 2012



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE