

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BROOKS FARMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:13-cv-28-MEF
)	(WO – Do Not Publish)
AGRICOMMODITIES, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s unopposed Motion for Leave to File an Amended Complaint (Doc. #28), in which Plaintiff requests permission to amend the Complaint to name H&L Transports, Inc., a subsidiary of previously named Defendant H&L Partners, Inc. (“H&L Partners”), as the proper party in interest. H&L Partners has filed a response to Plaintiff’s motion, in which it indicates that it does not oppose Plaintiff’s motion to amend its complaint and urges Plaintiff to file a motion to voluntarily dismiss it as a party to this action. (Doc. #31.) In its Response to Defendant H&L Partners’ Motion to Voluntarily Dismiss (Doc. #33), which the Court construes as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff requests that the Court dismiss H&L Partners from this action with prejudice. (Doc. #33, at 2.)

There being no objection, and pursuant to this Court’s obligation under Federal Rule of Civil Procedure 15(a)(2), it is hereby ORDERED that Plaintiff’s Motion for Leave to File an Amended Complaint (Doc. #28) is GRANTED. Plaintiff shall file, **on or before May 27,**

2013, an Amended Complaint, which reflects the proper party in interest. The Amended Complaint must comply with Rule 15.1 of the Local Rules for the United States District Court for the Middle District of Alabama for Civil and Criminal Cases, which provides in pertinent part: “Any amendment to a pleading . . . whether filed as a matter of course or upon a motion to amend, must, except by leave of Court, reproduce the entire pleading . . . as amended, and may not incorporate any prior pleading . . . by reference.”

It is further ORDERED as follows:

(1) Plaintiff’s motion to voluntarily dismiss H&L Partners, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(2) (Doc. #33) is GRANTED.

(2) Defendant H&L Partners, Inc. is hereby DISMISSED from this action with prejudice.

(3) Defendant H&L Partners, Inc.’s pending Motion to be Voluntarily Dismissed (Doc. #31) is DENIED AS MOOT.

DONE this the 22nd day of May, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE