

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RANDALL E. MANN, an individual,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:13CV668-WHA
)	
JASON C. TOWNE, in his individual capacity,)	(wo)
CHRIS MCCRANE, in his individual capacity,)	
and CITY OF DADEVILLE, ALABAMA,)	
)	
Defendants.)	

ORDER

This cause is before the court on the Plaintiff’s Motion for Leave to File First Amended Complaint Outside Deadlines to Amend Pleadings (Doc. #22) and the Defendants’ objection thereto (Doc. #24).

The Defendants have objected to amendment of the Complaint on the ground that the Plaintiff has not demonstrated good cause for amendment, and on grounds of delay and undue prejudice. In demonstrating why the amendment is futile, the Defendants have included evidence already obtained through discovery which relates to the claim the Plaintiff seeks to assert in the Amended Complaint.

The court concludes that the Plaintiff ought to be allowed to file the Amended Complaint attached to the motion, but so as not to delay the case unnecessarily, the court will construe the Defendants’ Response in Opposition to the Motion for Leave to Amend as a supplement to the Motion for Summary Judgment (Doc. #19). The Plaintiff will be required to respond to that supplement to the Motion for Summary Judgment by the deadline for the original motion, July 1, 2014 (Doc. #21).

Accordingly, it is hereby ORDERED as follows:

1. The Motion for Leave to File First Amended Complaint Outside Deadlines to Amend Pleadings (Doc. #22) is GRANTED and the Plaintiff may file the Amended Complaint attached to the Motion.
2. The court will construe the Defendants' Response (Doc. #24) as a supplement to its Motion for Summary Judgment (Doc. #19).
3. In his response to the originally-filed Motion for Summary Judgment, due July 1, 2014, the Plaintiff also must respond to the arguments and evidence included in the supplement (Doc. #24).
4. The Defendants' reply deadline in support of summary judgment, as set by the court (Doc. #14), remains July 14, 2014.

Done this 23rd day of June, 2014.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE