Kruse v. Byrne et al Doc. 74

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

FRANK KRUSE, *as personal representative of*	)	
Jacob Jordan, deceased,	)	
Plaintiff,	)	
	)	
vs.	)	**CIVIL ACTION NO.: 11-00513-KD-C**
	)	
DALE BYRNE, ***et al.*****,**	)	
Defendants.	)	

ORDER

This matter is before the Court on Plaintiff's Motion to File a Second Amended Complaint (Doc. 66), Defendant Charles E. Sherman, M.D.'s Objection (Doc. 72) and the remaining Defendants Response (Doc. 73). The proposed amendment will add medical negligence claims against Defendants May, Williams and Pimperl, as well as clarify and allege more specifically the breaches in the standard of care by Defendant Sherman. (Doc. 66). The Defendants, with the exception of Defendant Sherman, "see no grounds to object" to the motion. (Doc. 73). Defendant Sherman objects to Plaintiff's motion, not based on the proposed clarification and/or amplification of the allegations against him but rather on a lack of jurisdiction contention. Defendant Sherman's contention, however, presumes that his pending motion to dismiss will be granted, thus mooting the proposed amendment to Plaintiff's claims against him (*i.e.*, based on the possibility of such future event). Having considered Defendant Sherman's objections, the Court finds they lack merit. Accordingly, is **ORDERED** that Plaintiff's Motion to File a Second Amended Complaint (Doc. 66) is **GRANTED.**

DONE and **ORDERED** this the **25th** day of **July 2012.**

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE

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