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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Carroll Denardo,

No. CV-10-02692-PHX-NVW

10 Plaintiff,

**ORDER**

11 vs.

12 Wyeth, LLC, et al.,

13 Defendants.

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16 Before the Court is the Motion for Leave to File Plaintiff’s First Amended  
17 Complaint (Doc. 27).

18 Leave to amend should be freely given “when justice so requires.” Fed. R. Civ. P.  
19 15(a)(2). Plaintiff seeks leave to amend her complaint to affirmatively plead the  
20 discovery rule and fraudulent concealment to avoid Defendants’ possible contention that  
21 she may not rely on those doctrines to respond to their defense that her claim is barred by  
22 a statute of limitations.

23 Defendants oppose the motion to amend, contending that the proposed amendment  
24 is futile. Their arguments are primarily directed to the merits of their limitations defense  
25 and Plaintiff’s potential response, which the Court does not decide here. Defendants do  
26 not allege that granting the motion to amend would cause unfair surprise or undue  
27 prejudice.

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IT IS THEREFORE ORDERED that the Motion for Leave to File Plaintiff's First Amended Complaint (Doc. 27) is granted. Plaintiff shall file and serve her First Amended Complaint forthwith.

DATED this 18<sup>th</sup> day of July, 2011.

  
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Neil V. Wake  
United States District Judge