

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JEFF COLE and KAYLA COLE, on behalf of  
themselves, and all others similarly situated in  
the State of Arkansas**

**PLAINTIFFS**

**V.**

**NO. 4:08-CV-00217 GTE**

**FIDELITY NATIONAL TITLE INSURANCE  
COMPANY, et al.**

**DEFENDANTS**

**ORDER**

Before the Court is Plaintiffs' Motion for Leave to File Second Amended Complaint.

The motion is opposed by the LandAmerica Defendants (LandAmerica Financial Group, Inc.; Commonwealth Land Title Insurance Company; Commonwealth Land Title Insurance Company of New Jersey; Lawyers Title Insurance Corporation; and Transnation Title Insurance Company).

All other Defendants have consented to the requested amendment.

Federal rules of civil procedure require that leave to amend "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). Permission to amend may be withheld if the plaintiff does not have at least colorable grounds for relief, or if he is guilty of undue delay, bad faith, dilatory motive, or if permission to amend would unduly prejudice the opposing party. *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230, 9 L.Ed.2d 222 (1962). The Court concludes that the LandAmerica Defendants have failed to prove any of the recognized grounds for denying leave to amend a complaint.

For good cause shown,

IT IS HEREBY ORDERED THAT Plaintiffs' Motion for Leave to File a Second Amended Complaint (Doc. No. 62) be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED THAT the two pending Motions to Dismiss (Docket Nos. 42 and 44), both of which relate to the First Amended Complaint, be, and they are hereby, DENIED as moot.

IT IS SO ORDERED this 22nd day of September, 2008.

/s/Garnett Thomas Eisele  
UNITED STATES DISTRICT COURT