

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

ROBERT TERRY and
JOHN STAFFORD

PLAINTIFFS

v.

NO. 4:11CV00645 JLH

CITY OF OLA

DEFENDANT

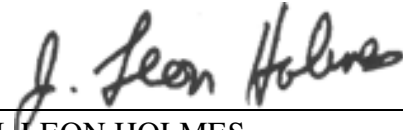
ORDER

Robert Terry and John Stafford commenced this action on August 23, 2011, claiming that their employer, the City of Ola, violated the Fair Labor Standards Act. On March 29, 2012, without leave of court, they filed a first amended and substituted complaint making substantially the same allegations as in the initial complaint except that claims for relief were added under the Arkansas Minimum Wage Act. The City of Ola filed a motion to strike that first amended and substituted complaint because leave of court had not been obtained as required. Robert Terry and John Stafford have filed a motion for leave to file a first amended and substituted complaint, conceding that it was improper for them to file that complaint without leave of court, but now seeking leave of court. The City of Ola opposes the motion on the ground that the case is several months old and discovery has already been conducted.

Without objection, the City of Ola's motion to strike the first amended and substituted complaint is GRANTED. Document #19.

For good cause shown, the motion for leave to file a first amended and substituted complaint is GRANTED. Document #21. The Court does not believe that any substantial prejudice will occur from permitting the amendment, so the amendment will be allowed. Robert Terry and John Stafford must file the first amended and substituted complaint within seven days from the entry of this Order.

IT IS SO ORDERED this 27th day of April, 2012.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE