

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

RICHARD GHANTOUS, an individual,

Plaintiff,

-vs-

Case No. 2:11-cv-211-FtM-36SPC

U PULL AND SAVE, LLC, a Florida limited liability corporation, MOHAMAD ZALIKHA, an individual,

Defendants.

ORDER

This matter comes before the Court on the Plaintiff, Richard Ghantous's Motion for Leave to Amend (Doc. #21) filed on July 6, 2011. On May 12, 2011, the Defendant in this case filed its Motion to Dismiss. The Plaintiff states that many of the grounds argued in the Motion to Dismiss can be corrected in the Amended Complaint, and therefore moves the Court for leave to amend. Pursuant to M.D. Fla. Local Rule 3.01(g), the Plaintiff conferred with Counsel for the Defense who does not oppose the request.

Under rule 15(a), a party may amend the party's pleading as a matter of course within twenty-one (21) days after serving it or if the pleading is one which a responsive pleading is required twenty-one (21) days after service of the responsive pleading or twenty-one (21) days after service of a motion under Rule 12(b), (e), or (f) whichever, is earlier. Fed. R. Civ. P. 15(a)(1). Otherwise, the Party must seek leave of court or written consent of the adverse party in order to amend the pleading. Fed. R. Civ. P. 15(a)(2). "The decision whether to grant leave to amend a complaint is within the sole discretion of the district court." Laurie v. Alabama Court of Criminal Appeals, 256

F.3d 1266, 1274 (11th Cir. 2001). However, pursuant to Fed. R. Civ. P. 15(a), timely motions for leave to amend are held to a very liberal standard and leave to amend should be freely given when justice so requires. Senger Brothers Nursery, Inc. v. E.I. Dupont De Nemours & Company, 184 F.R.D. 674, 678 (M.D. Fla 1999). In this instance, the Court finds good cause to grant leave to amend.

On May 12, 2011, the Defendants filed their Motion to Dismiss (Doc. # 12). Since the Court has found good cause to grant leave to file an amended complaint, the Motion to Dismiss is now moot and due to be denied as such.

Accordingly, it is now

ORDERED:

The Plaintiff, Richard Ghantous's Motion for Leave to Amend (Doc. #21) is **GRANTED**.

(1) The Clerk of the Court is directed to file the Amended Complaint along with the Supplement to the Amended Complaint attached to the instant Motion as Exhibits A and B under separate docket entry.

(2) The Defendants, U-Pull and Save, and Mohamad Zalikha's Motion to Dismiss (Doc. # 12) is **DENIED as moot**.

DONE AND ORDERED at Fort Myers, Florida, this 8th day of July, 2011.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record