

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MITIL DORSELI,

Plaintiff,

v.

Case No: 2:17-cv-37-FtM-99CM

GREGORIO GONZALEZ, JR.,

Defendant.

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**ORDER**

This matter comes before the Court upon review of Plaintiff's Motion to Add Parties and for Leave to File Second Amended Complaint (Doc. 28) filed on June 6, 2017. Plaintiff seeks to file a second amended complaint joining three additional plaintiffs, Rene Joltius, Nerius Joltius, and Gelicilia Thelemarc, and two additional defendants, Gregorio Gonzalez, Sr. and GSH Labor Management, Inc., to this action. Doc. 28 at 1. Although Plaintiff states that Defendant opposes joining three new plaintiffs, Defendant has not filed a response in opposition, and Defendant's time to do so has expired. *Id.* at 4-5. Defendant's non-response to the present motion creates a presumption that the motion is unopposed. *Great Am. Assur. Co. v. Sanchuk, LLC*, No. 8:10-cv-2568-T-33AEP, 2012 WL 195526, at \*3 (M.D. Fla. Jan. 23, 2012).

Rule 20 of Federal Rules of Civil Procedure provides that individuals may join as plaintiffs if, "they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of

transactions or occurrences; and any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20(a). This rule seeks to “promote trial convenience and expedite the resolution of disputes, thereby eliminating unnecessary lawsuits.” *Brandywine Commc’ns Techs., LLC v. Verizon Commc’ns, Inc.*, No. 6:11-cv-1344-Orl-36DAB, 2012 WL 527536, at \*1 (M.D. Fla. Jan. 12, 2012) (citing *Alexander v. Fulton County*, 207 F.3d 1303, 1323 (11th Cir. 2003)).

Here, Plaintiff argues that three new plaintiffs are likely to file individual lawsuits, asserting claims nearly identical to ones raised in this case. Doc. 28 at 2-3. Plaintiff also claims that he and the new plaintiffs seek the same relief and rely on the same witnesses and evidence. *Id.* at 3. Furthermore, Plaintiff argues that a new defendant, Gregorio Gonzalez, Sr., is the father of Defendant and operated GSH Labor Management, Inc. with Defendant. *Id.* Based on the above allegations, the Court will grant the requested joinder.

Plaintiffs also seek leave to file a second amended complaint to join the additional parties. Doc. 28 at 1. Rule 15 of the Federal Rules of Civil Procedure provides that, for amendments not filed as a matter of course, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “Although leave to amend shall be freely given when justice so requires, a motion to amend may be denied on numerous grounds such as undue delay, undue prejudice to the defendants, and futility of the amendment.” *Maynard v. Bd. of Regents of the*

*Div. of Univs. of the Fla. Dep't of Educ. ex rel. Univ. of S. Fla.*, 342 F.3d 1281, 1287 (11th Cir. 2003) (internal quotation marks omitted).

Here, upon review of the motion and the proposed Second Amended Complaint for Damages, Costs of Litigation and Attorney's Fee (Doc. 28-1), the Court finds that good cause exists, and neither ground justifying a denial of leave to amend is present. *See id.* Furthermore, Defendant did not file an opposition to the requested relief, and Plaintiff filed the present motion within the Court-ordered deadline of June 12, 2017 to file motions to amend the pleadings. Doc. 30 at 1.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Plaintiff's Motion to Add Parties and for Leave to File Second Amended Complaint (Doc. 28) is **GRANTED**.

2. The Clerk is directed to docket the Second Amended Complaint for Damages, Costs of Litigation and Attorney's Fee (Doc. 28-1) as a separate docket entry.

**DONE** and **ORDERED** in Fort Myers, Florida on this 21st day of June, 2017.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record