

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KELLY N. GIBBONS f/k/a
KELLY N. HICKS,

Plaintiff,

vs.

CASE NO: 3:14-cv-1315-J-39MCR

NATIONSTAR MORTGAGE LLC.,

Defendant.

_____/

ORDER

THIS CAUSE is before the Court on Plaintiff's Unopposed Motion for Leave to File Amended Complaint (Doc. 16, Motion to Amend), filed February 19, 2015. Plaintiff seeks to amend the Complaint to address the pleading deficiencies pointed out in Defendant's Motion to Dismiss.

Rule 15(a) of the Federal Rules of Civil Procedure states that leave to amend a pleading "shall be freely given when justice so requires." Rule 15, Fed. R. Civ. P. As the Supreme Court further explained in *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230 (1962):

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be 'freely given.'

The Court finds Plaintiff's Motion to Amend not to be brought in bad faith, for purposes of delay, or subject to any of the other *Foman* caveats stated above. Moreover, Defendant does not oppose the proposed amendment.

Accordingly, after due consideration, it is

ORDERED:

1. Plaintiff's Unopposed Motion for Leave to File Amended Complaint (Doc. 16) is **GRANTED**.

2. The Clerk of Court is **DIRECTED** to file the Amended Complaint (Doc. 16-1), including the exhibits attached thereto, as a separate document.

3. If Plaintiff has not done so, Plaintiff shall serve Defendant with a copy of the Amended Complaint forthwith. Defendant shall file a response to the Amended Complaint within fourteen (14) days of the service.

4. Nationstar Mortgage LLC's Motion to Dismiss (Doc. 12) is **DENIED as MOOT**.

DONE AND ORDERED in Jacksonville, Florida this 20th day of February 2015.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record