

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**CAROLYN TORREY, for herself and for
J.T., her minor child**

Plaintiff,

v.

Case No: 5:12-cv-662-Oc-10PRL

**MARION COUNTY SCHOOL BOARD,
JAMES A. YANCEY, WILLIAM
HALDIN, BEVERLY MORRIS, JOHN
MCCOLLUM, GEORGE DON
RAYMOND, DIANA GREENE and RON
CRAWFORD**

Defendants.

ORDER

This case comes before the Court for consideration of several pending motions filed by the parties. While acting *pro se*, Plaintiff initiated this case by filing a Complaint on December 6, 2012. (Doc. 1). Subsequently, proceeding with counsel, Plaintiff requested and was granted leave to file the Second Amended Complaint, stating claims for civil rights violations and retaliation under the Rehabilitation Act and Americans with Disabilities Act, and related claims. (Doc. 37).

Defendants have filed a motion for sanctions under Rule 11 of the Federal Rules of Civil Procedure. (Doc. 55). Therein, Defendants argue that the Second Amended Complaint fails to allege precise facts showing how each Defendant (either individually or collectively) violated relevant statutory provisions, whether Plaintiff is seeking relief against each individual Defendant in his or her individual or official capacity, and fails to allege facts showing how

Plaintiff and her son have been harmed. In response, Plaintiff filed a Motion for Leave to File the Third Amended Complaint (Doc. 57), intended to address the Defendants' concerns as raised in their Motion for Sanctions. Although Plaintiff's motion recites that Defendants object to the motion for leave to amend, Defendants have failed to file a response in opposition.

A motion for leave to amend is governed by Rule 15(a) of the Federal Rules of Civil Procedure, which provides that leave to amend pleadings "shall be freely given when justice so requires." *See also Spanish Broadcasting System of Fla., Inc. v. Clear Channel Communications, Inc.*, 376 F.3d 1065, 1077 (11th Cir.2004)("leave to amend must be granted absent a specific, significant reason for denial").


Accordingly, upon due consideration, Plaintiff's Motion for Leave to File the Third Amended Complaint (Doc. 57) is GRANTED,¹ and counsel for Plaintiff is directed to file the Third Amended Complaint with the Court's CM/ECF system. Defendants' Motion for Sanctions (Doc. 55) is therefore DENIED without prejudice. The Clerk is directed to terminate the pending Motions to Dismiss the Second Amended Complaint (Docs. 39 and 40) as moot.

Also pending are Plaintiff's motions (Docs. 58 and 60) for extensions of time to produce Rule 26 expert reports disclosures, and Defendants' motion for an extension of time to serve expert witness reports. (Doc. 66). Plaintiff requested until January 21, 2014 within which to serve her expert disclosures. Plaintiff's motions (Doc. 58 and 60) are GRANTED, and Plaintiff's disclosures produced on or before January 21, 2014 shall be considered timely.

¹ The Court notes that the filing of the Third Amended Complaint will have no impact on the Rule 35 mental examination of Plaintiff. The same claims relevant to the mental examination, namely, Plaintiff's claims of extreme emotional distress, physical injury, and loss of business opportunity as a result of Defendants' actions, are also raised in the Third Amended Complaint. (Doc. 57-1, ¶ 53).

Defendants' motion (Doc. 66) is GRANTED, and Defendants shall have until February 28, 2014 within which to serve their expert disclosures.

DONE and **ORDERED** in Ocala, Florida on February 4, 2014.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties