

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

**AMAR SHAKTI ENTERPRISES, LLC, *et al,***

**Plaintiffs,**

**-vs-**

**Case No. 6:10-cv-1857-Orl-31KRS**

**WYNDHAM WORLDWIDE, INC., *et al,***

**Defendants.**

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**ORDER**

This matter comes before the Court on the Motion for Leave to File a Second Amended Complaint (Doc. 79) filed by the Plaintiffs and the response in opposition (Doc. 77)<sup>1</sup> filed by the Defendants. The motion relates back to one that was filed within the deadline for amendment of pleadings set in the Case Management and Scheduling Order (Doc. 65). As such, it is subject to the standard set forth in Fed.R.Civ.P. 15(a)(2), which provides that leave to amend “should [be] freely give[n] when justice so requires.” The proposed amendment meets this modest threshold, and leave to amend will therefore be granted.

But the Court does so with reluctance. This case was filed more than ten months ago. Even though the motion for leave to amend was made within the deadline established in the

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<sup>1</sup>The Defendants filed the response in opposition to an earlier motion for leave to amend, which was denied without prejudice for failing to attach the proposed pleading. The instant motion, which includes the proposed pleading as an attachment, is otherwise identical to the previous motion. Accordingly, in resolving the instant motion, the Court has considered the Defendants’ response to the earlier motion.

scheduling order, it is awfully late in the day to be advancing new theories of liability. Among other things, the deadline for the close of the class discovery period is looming. Any subsequent requests that threaten established deadlines will require much greater justification than what was set forth in the instant motion.

In consideration of the foregoing, it is hereby

**ORDERED** that the Motion for Leave to File a Second Amended Complaint (Doc. 79) is **GRANTED**. The Plaintiffs shall file their Second Amended Complaint on or before Wednesday, October 19. If the Defendants wish to file a motion to dismiss the Second Amended Complaint, they may do so on or before Monday, October 31. And it is further

**ORDERED** that the Motion to Dismiss the First Amended Complaint (Doc. 75) is **DENIED AS MOOT**.

**DONE and ORDERED** in Chambers, Orlando, Florida on October 14, 2011.

  
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GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party