

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

KIMBERLY CHEWNING,

Plaintiff,

v.

Case No: 6:15-cv-821-Orl-28GJK

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,**

Defendant.

ORDER

Plaintiff, Kimberly Chewing, brings several claims against her insurer, State Farm Mutual Automobile Insurance Company ("Defendant"), arising from Defendant's handling of her insurance claims following an automobile accident. Defendant moves to dismiss Counts II and III of Plaintiff's complaint and additionally moves to strike the allegations seeking attorney's fees in Count I. (Docs. 3 & 4). In response, Plaintiff seeks to file an amended complaint pursuant to Federal Rule of Civil Procedure Rule 15(a).¹ (Doc. 19).

Rule 15 provides:

A party may amend its pleading once as a matter of course within: 21 days after serving it, or . . . or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. In all other cases, 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.

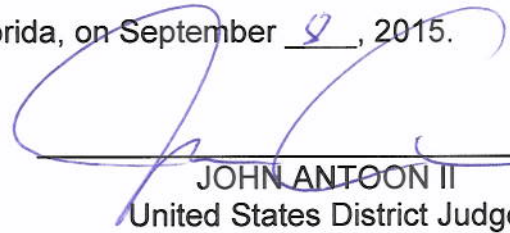
Fed. R. Civ. P. 15(a)–(b). Here, the motions to dismiss were filed in state court in May 2015. (Docs. 3 & 4). The case was removed to this Court shortly thereafter, and this

¹ Because Plaintiff seeks to amend her complaint more than 21 days after the motions to dismiss were filed, (see Docs. 3 & 4), I will construe her response as a motion for leave to file an amended complaint.

Court's order directing Defendant to file memoranda in support of its motions was issued on August 11, 2015. (Docs. 1 & 14). In light of the current posture of this case and Plaintiff's recent revelation that Ohio law governs her claims, Plaintiff will be granted leave to amend her complaint.

In accordance with the foregoing, it is **ORDERED** and **ADJUDGED** that Plaintiff's Response to Defendant's Memorandum of Law, which is construed as a Motion for Leave to File an Amended Complaint, is **GRANTED**. Plaintiff shall file an amended complaint **no later than Friday, September 18, 2015**.

DONE and **ORDERED** in Orlando, Florida, on September 9, 2015.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties