IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA ON)
BEHALF OF ITS AGENCY SECRETARY)
OF U.S. DEPARTMENT OF HOUSING)
AND URBAN DEVELOPMENT,)
)
Plaintiff,)
)
v.) Case No. 16 C 9168
)
WILLIAM P. BUTCHER AS SPECIAL)
REPRESENTATIVE FOR IVA G GERTS)
(DECEASED) et al.,)
Defendants.)

MEMORANDUM ORDER

Counsel for the United States, suing on behalf of the Secretary of Department of Housing and Urban Development in this mortgage foreclosure action, have noticed up for presentment on November 9 its Motion for Leave To File Its First Amended Complaint To Foreclose Mortgage (the "Motion"). But the Motion is needless, for Fed. R. Civ. P. ("Rule") 15(a)(1)(B) gives a federal-case plaintiff the equivalent of what was sometimes jocularly referred to in common law days as the "dog bite rule," under which a dog was allowed one free bite. In the present context Rule 15 allows a party to "amend its pleading once as a matter of course" where, as here, no defendant has served a responsive pleading or a Rule 12(b), (e) or (f) motion.

Accordingly the Motion is granted. Counsel for the United States need not appear at the proposed presentment date.

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Milton I. Shadur Senior United States District Judge

Date: November 1, 2016