

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PENNY BENTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 1:10-cv-918-LJM-DML
	)	
HAMILTON EAST PUBLIC LIBRARY,	)	
	)	
Defendant.	)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Comes now the Plaintiff, Penny Benton (“Plaintiff”), by counsel, and respectfully requests the Court to grant her leave to file an amended complaint. In support hereof, Plaintiff states as follows:

1. Pursuant to the Court’s order, the Plaintiff is given until December 20, 2010, within which to seek leave of the Court to amend her pleadings. As such, Plaintiff’s motion is timely.
2. Rule 15 of the Federal Rules of Civil Procedure allows the Court to give leave to amend freely when justice so requires. Such leave to amend should be granted unless it is being sought for “undue delay, bad faith or dilatory motive on the part of the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of amendment, or futility of amendment.” *Villa v. City of Chicago*, 924 F.2d 629, 632 (7<sup>th</sup> Cir. 1991)[citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)].
3. Plaintiff intends to file her amended complaint to more specifically plead her allegations as well as request a jury trial in this matter.

4. The filing of an amended complaint in this matter on behalf of Plaintiff will further the goal of judicial economy.

5. This motion is not made for the purpose of delay and Defendant will not be prejudiced by the Court granting Plaintiff leave to file her amended complaint in this matter.

WHEREFORE, Plaintiff respectfully requests the Court to grant her leave to file her amended complaint and demand for jury trial in this matter and for all other relief the Court deems just and proper in the premises.

Respectfully submitted,

RAMEY & HAILEY

*/s/ Joel S. Paul*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2010, a copy of the foregoing was filed electronically with the Court's electronic filing system which sent notice of such filing to the following counsel:

Jennifer L. Williams  
[williams@cchalaw.com](mailto:williams@cchalaw.com)

*/s/ Joel S. Paul*

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