

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RONALD HENRY, et al.,	)	
	)	
Plaintiffs,	)	
	)	1:11-cv-357- SEB-TAB
vs.	)	
	)	
TEAMSTERS JOINT LOCAL 69,	)	
	)	
Defendant.	)	

**ORDER GRANTING PLAINTIFFS’ MOTION FOR LEAVE  
TO FILE SECOND AMENDED COMPLAINT**  
(Docket No. 86)

Now before the Court is Plaintiffs’ Motion for Leave to File Second Amended Complaint. The Court is unimpressed by the motion because it fails to explain how Plaintiffs’ lengthy (12 page) and dense (59 single spaced paragraphs with additional sub-paragraphs) proposed Second Amended Complaint differs from Plaintiffs’ First Amended Complaint, including what parties and claims were added or dropped. By failing to provide any such explanation, Plaintiffs require the Court to attempt a side-by-side comparison of two documents in an effort to try to determine their similarities and their differences. The Court is not required to perform the work that Plaintiffs’ counsel should have done. In fact, the failure to explain the differences between Plaintiffs’ First Amended Complaint and the proposed Second Amended Complaint could very well have been fatal to Plaintiffs’ motion, but for the fact that Defendant filed nothing in opposition and, through its silence, has acquiesced to the filing of Plaintiffs’ proposed Second Amended Complaint.<sup>1</sup>

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<sup>1</sup> The Court’s Courtroom Deputy telephoned Defendant’s counsel, who confirmed Defendant’s acquiescing in the filing of Plaintiffs’ proposed Second Amended Complaint.

Because Plaintiffs' Motion for Leave to File Second Amended Complaint is unopposed, the Court will and hereby does GRANT it. The Clerk shall "detach" and file the Second Amended Complaint and the exhibits thereto tendered at Docket Nos. 86-1, 86-2, 86-3, and 86-4. The time for Defendant's responsive pleading shall be calculated from the date that the Second Amended Complaint is docketed by the Clerk in accordance with the applicable Federal and Local Rules of procedure.

The filing of Plaintiffs' Second Amended Complaint renders moot Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint filed at Docket No. 66. Therefore, Defendant's Motion to Dismiss is hereby DENIED AS MOOT.

IT IS SO ORDERED.

Date: 01/04/2012

  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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