

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

TRUENORTH COMPANIES, L.C.,  
TRUENORTH PRINCIPALS, L.C.,

Plaintiffs,

vs.

TRUNORTH WARRANTY PLANS OF  
NORTH AMERICA, LLC,

Defendant.

No. 17-CV-31-LTS

**ORDER**

This matter is before the Court pursuant to plaintiffs' uncontested motion for leave to file amended complaint (Doc. 42). Plaintiffs submitted the proposed amended complaint with the motion, along with a "redline" version of the amended complaint plainly showing the amendments. Plaintiffs seek to amend the complaint to add additional fact paragraphs and to add two new counts, Counts VI and VII. Pursuant to Local Rule 7(l), plaintiffs conferred with opposing counsel who had "not yet determined whether it will resist or consent to the proposed amendment." (Doc. 42, at 2). Defendants ultimately did neither and the time for filing a responsive pleading has now passed.

Pursuant to the Scheduling Order and Discovery Plan, the deadline to amend pleadings was 45 days after the Court ruled on a pending motion to dismiss. (Doc. 37). On September 19, 2017, the Court issued an order on that pending motion. (Doc. 40). Plaintiffs' motion, filed on November 3, 2017, is therefore timely.

Rule 15 of the Federal Rules of Civil Procedure, *Amended and Supplemental Pleadings*, governs amendments to pleadings before trial:

(a) **Amendments Before Trial.**

(1) **Amending as a Matter of Course.** A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) **Other Amendments.** 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.

(3) **Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

FED.R.CIV.P. 15. There is, of course, no absolute right to amend a pleading. *See Hammer v. Osage Beach*, 318 F.3d 832, 844 (8th Cir. 2003).

For good cause shown and because defendants have failed to file any resistance to the motion, the Court **grants** plaintiffs' motion to amend the complaint (Doc. 42). The Clerk of Court shall detach, file, and docket the proposed amended complaint.

**IT IS SO ORDERED** this 27th day of November, 2017.



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C.J. Williams  
Chief United States Magistrate Judge  
Northern District of Iowa