

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:10-CV-7-H

COALITION FOR THE ADVANCEMENT OF
REGIONAL TRANSPORTATION

PLAINTIFF

V.

FEDERAL HIGHWAY ADMINISTRATION, *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff, Coalition for the Advancement of Regional Transportation (“CART”), moved the Court for leave to amend its complaint in two separate motions, asking the Court to allow it to introduce five new claims to its Complaint, which already contains fifteen claims. Defendants oppose both motions on grounds that the new claims simply restate CART’s challenges to Defendants’ compliance with the Clean Air Act, the Clean Water Act and the National Environmental Policy Act; repeat CART’s support for public transportation initiatives; and reiterate CART’s overall opposition to the Project at issue and the implementation of tolling facilities on the proposed new bridges. Therefore, Defendants maintain these claims are unnecessary as duplicative.

The Court finds Defendants’ arguments compelling; some of CART’s new claims seem to overlap to some degree with claims already alleged in CART’s original complaint. However, that very fact suggests that the introduction of the five claims will minimally prejudice Defendants as they implicitly concede that in defending the original claims, they would also need to substantially address the new allegations. Moreover, in Defendants’ response to CART’s

motions to amend and opposition briefs to other motions presently before the Court, Defendants address the substance of the new claims.

Federal Rule of Civil Procedure 15 permits parties to amend their pleadings with the Court's leave, and "[t]he court should freely give leave when justice so requires." FED. R. CIV. P. 15(a)(2). After reviewing CART's proposed amended complaints, and despite the late filing of these motions, the Court finds that the new claims may in fact present allegations sufficient to support distinct claims. Accordingly, justice counsels the Court to permit CART to amend its complaint and add these additional five claims.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff Coalition for the Advancement of Regional Transportation's Motion to Amend/Correct Complaint (ECF No. 184) and Second Motion to Amend/Correct Complaint (ECF No. 197) are SUSTAINED. The Court does not find additional briefing on these additional claims necessary.

This 20th day of June, 2013.



JOHN G. HEYBURN II
JUDGE, U.S. DISTRICT COURT

cc: Counsel of Record