

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

RICHARD GALLAHUE, JR. and
CHRISTEENA GALLAHUE
Individually and as Parents and Next Friend of
“R.J.,” a minor child

PLAINTIFFS

v.

CIVIL ACTION NO. 3:16-CV-00242-CRS

LORETTA E. LYNCH, UNITED STATES
ATTORNEY GENERAL;
ROMAN CATHOLIC BISHOP OF LOUISVILLE;
and UNKNOWN PARENTS OF MINOR CHILDREN

DEFENDANTS

Memorandum Opinion and Order

Richard Gallahue, Jr. and Christeena Gallahue (the “Plaintiffs”) filed this lawsuit on behalf of their minor child, “R.J.” Compl. 1, ECF No. 1-1. On May 26, 2016, the Roman Catholic Bishop of Louisville¹ moved to dismiss for lack of subject-matter jurisdiction. Def.’s Mot. Dismiss, ECF No. 10. On June 6, 2016, the Plaintiffs moved for leave to amend the complaint. Mot. Am., ECF No. 11.

Rule 15 governs amendments. “A party may amend its pleading once as a matter of course within ... 21 days after service of a motion under Rule 12(b).” Fed. R. Civ. P. 15(a)(1)(B). “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.” Fed. R. Civ. P. 15(a)(2).

¹ The complaint and the proposed amended complaint name this defendant “Roman Catholic Bishop of Louisville.” The party moving to dismiss is the “Roman Catholic Bishop of Louisville.” The proper defendant may be the Archdiocese of Louisville or Archbishop Joseph Kurtz. See www.archlou.org.

The Plaintiffs move for leave to amend under Rule 15(a)(2). See, e.g., Pl.'s Mot. Am. ¶ 6, ECF No. 11 (arguing that the Court should freely give leave to amend). However, as the government points out, the Plaintiffs had a right to amend the complaint once as a matter of course within twenty-one days of receiving the motion to dismiss. See Mot. Ext. Time ¶ 3, ECF No. 16. The Court finds that the Plaintiffs had a right to amend their complaint as a matter of course.

Accordingly, the Court **GRANTS** the Plaintiffs' motion for leave to amend the complaint (DN 11). The proposed amended complaint tendered with that motion is deemed **FILED** in this action (DN 11-1). The Court **DENIES** the motion to dismiss for lack of subject-matter jurisdiction as moot (DN 10).

August 3, 2016

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a circular seal. The seal is partially obscured by the signature and contains some illegible text and a central emblem.

**Charles R. Simpson III, Senior Judge
United States District Court**