

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

ROBERT STEARNS,

Plaintiff

v.

Case No. 3:16-cv-661-GNS-CHL

M & M CARTAGE CO., INC.,

Defendant

Memorandum Opinion and Order

On December 27, 2016, the Defendant moved to amend its answer before the deadline for amending pleadings passed. DN 11. The Defendant seeks leave to add an additional affirmative defense. Id. ¶ 4. In support of the motion, the Defendant argues that “This case is still in its early stages, and justice requires that Defendant be allowed to amend its answer so that its defenses may be fully and fairly presented.” Id.


Whether to grant leave to amend is within the Court’s discretion. *Tucker v. Middleburg-Legacy Place*, 539 F.3d 545, 551 (6th Cir. 2008). “The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Still, “there is no absolute or automatic right to amend” one’s pleading. *Meehan v. United Consumers Club Franchising Corp.*, 312 F.3d 909, 913 (6th Cir. 2002).

No response has been filed, and the deadline for responding has passed. “Failure to timely respond to a motion may be grounds for granting the motion.” LR 7.1(c).

Accordingly, the Court **GRANTS** the Defendant’s motion for leave to amend its answer. The proposed amended answer tendered with that motion (DN 11-1) is **DEEMED FILED** in the record of this action.

cc: Counsel of record

January 23, 2017

  
Colin Lindsay, Magistrate Judge  
United States District Court