

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

SAMMIE RODRIGUEZ

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-CV-00199-CRS

ZALE DELAWARE, INC. D/B/A  
ZALES JEWELERS

DEFENDANT

**MEMORANDUM OPINION**

This matter is before the court on motion of Plaintiff Sammie Rodriguez (“Rodriguez”) to file a First Amended Complaint pursuant to Fed.R.Civ.P. 15(a)(2). (DN 13.) The court will **GRANT** the motion as unopposed.

**I. BACKGROUND**

Plaintiff Rodriguez filed a complaint in March of 2017 in Hardin Circuit Court, Kentucky, alleging that Defendant Zale Delaware, Inc., d/b/a Zales Jewelers (“Zales”) violated KRS § 344.040. (DN 1). The Complaint alleges that Plaintiff worked as a sales associate at Zales between 2011 and 2016. (Id., ¶ 3.)

Rodriguez claims that she was subjected to a hostile work environment in violation of Kentucky law. (Id., ¶ 11.) She states that she is in a protected class by virtue of her age. (Id., ¶ 8.) Rodriguez further alleges that a “much younger” employee created a hostile work environment by pushing the plaintiff around, cursing her, and referring to her as an “old woman.” (Id., ¶ 5.) Plaintiff asserts that she reported this conduct to store management, but that Defendant took no action to stop the hostile conduct. (Id., ¶ 6.) Ultimately, Plaintiff alleges that

her resignation from Zales on July 9, 2016 amounted to constructive discharge and was an adverse employment action. (Id., ¶ 9.)

Defendant Zales removed this action to this court on the basis of diversity jurisdiction. (DN 1.) Plaintiff now moves the court for leave to file the Plaintiff's First Amended Complaint. (DN 13). Plaintiff seeks to amend her complaint to specify humiliation, embarrassment, and emotional distress, as well as damages for the same, and a demand for back pay and front pay. (Id.)

## **II. DISCUSSION**

A court should freely grant leave to amend a pleading when justice so requires. Fed.R.Civ.P. 15(a)(2). A district court may deny a motion to amend where there is "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc." *Foman v. Davis*, 371 U.S. 178, 182 (1962). There is no evidence of any such reason to deny the present motion. Therefore, the motion will be granted.

## **III. CONCLUSION**

For the reasons set forth above, the court will **GRANT** Plaintiff's motion to file a First Amended Complaint.

An order will be entered in accordance with this opinion.

October 30, 2017

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a faint circular seal of the United States District Court.

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