

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CIVIL ACTION NO. 3:18-CV-00388-GNS-LLK

SALISA LUSTER HARRISON

PLAINTIFF

v.

RICK WOOLRIDGE, *et al.*

DEFENDANTS

OPINION & ORDER

Chief Judge Greg N. Stivers referred this matter to Magistrate Judge King for resolution of all litigation planning issues, entry of scheduling orders, consideration of amendments thereto, resolution of all non-dispositive matters, including discovery issues, and to conduct a settlement conference in this matter. [DN 27].

This matter is now before the Court on Plaintiff's Motion for Leave to File First Amended Complaint, Pursuant to Federal Rule of Civil Procedure 15(a). [DN 53]. No defendant filed an objection or response thereto and this motion is now ripe for adjudication.

Federal Rule of Civil Procedure 15(a)(2) provides that a party may amend its pleading by leave of Court and that such leave should be freely given when justice so requires. The United States Supreme Court has opined that leave should be granted absent a specific reason such as "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).

Here, Plaintiff seeks to amend her Complaint to add three individuals as defendants whom she had previously identified as John Does, to add an additional count, and to make "cosmetic changes." [DN 53]. At this time there is no indication, and no assertion from the defendants, that

the proposed Amended Complaint is improper, filed in bad faith, or will prejudice the parties. Furthermore, Plaintiff has filed this motion well before the Court's March 15, 2020, deadline by which parties are to join additional parties and amend pleadings. [DN 40].

As leave to amend pleadings shall be freely given when justice so requires, and as there is no evident or asserted reason that Plaintiff's proposed Amended Complaint is improper, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Leave to File First Amended Complaint is GRANTED.
2. The clerk is directed to file Plaintiff's proposed First Amended Complaint, [DN 53-1], as of the entry of this Order.

IT IS SO ORDERED.

January 28, 2020


**Lanny King, Magistrate Judge
United States District Court**

cc: Counsel of Record