

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

WOOD MATERIALS LLC

CIVIL ACTION

VERSUS

NO. 17-10955

BERKLEY INSURANCE COMPANY, ET. AL.

SECTION "B"(4)

ORDER

Before the Court is Plaintiff United States of America, for the use and benefit of Wood Materials, LLC's ("Plaintiff") "Motion for Leave to File First Amended Complaint" (Rec. Doc. 31). Also before the Court is Defendants Berkley Insurance Company and Tikigag Construction's ("Defendants") "Motion to Re-Urge Motion to Dismiss (Rec. Doc. 26), and Plaintiff's Response in Opposition (Rec. Doc. 34).

Leave to amend is in no way automatic, but the district court must possess a "substantial reason" to deny a party's request for leave to amend. *Marucci Sports, L.L.C. v. Nat'l Collegiate Athletic Ass'n*, 751 F.3d 368, 378 (5th Cir. 2014). The Court finds that Plaintiff's reason for seven days' delay in filing its amended complaint—that counsel was engaged in a multi-week trial—is sufficient. Fed. R. Civ. P. 15 ("The court should freely give leave when justice so requires."). Accordingly,

**IT IS ORDERED** that the Motion for Leave to Amend (Rec. Doc. 31) is **GRANTED**. Plaintiff's proposed amended complaint (Rec. Doc. 31-2) shall be filed into the record.

**IT IS FURTHER ORDERED** that Defendants' Motion to Re-Urge their Motion to Dismiss (Rec. Doc. 26) is **DISMISSED as Moot**. See Rec. Doc. 18.

New Orleans, Louisiana, this 26th day of March, 2018.

  
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SENIOR UNITED STATES DISTRICT JUDGE