

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

KIMBERLY GAGNE,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	<b>CIVIL ACTION</b>
	)	<b>NO. 14-40018-DHH</b>
HARLEYSVILLE GROUP, INC. et al.	)	
Defendants.	)	
_____	)	

**ORDER**

**March 4, 2014**

Hennessy, M.J.

This matter is before the Court on Plaintiff Kimberly Gagne’s motion to amend the complaint pursuant to Federal Rule of Civil Procedure 15(a)(1).<sup>1</sup> (Docket #10).

The complaint was originally filed in Massachusetts Superior Court on January 10, 2014, alleging claims of employment discrimination in violation of Mass. Gen. Laws ch. 151B. (Docket #1-1). Defendants Harleysville Group, Inc. and Nationwide Mutual Insurance Company removed the action to this Court on February 10, 2014, despite not having been served with the complaint. (Docket #1). The present motion was filed on February 14, 2014 (Docket #10). Gagne had not yet served Defendants at the time the motion was filed. (Docket #10 at 1). Defendants filed an answer on February 18, 2014, again, despite not having been served with the complaint. (Docket #11).

Federal Rule of Civil Procedure 15(a)(1)(B), allows a party to amend its pleading once as a matter of course within “21 days after serving it.” Fed. R. Civ. P. 15(a)(1)(A). Because Gagne

<sup>1</sup> The motion to amend was stricken due to clerical error on February 20, 2014 (Docket #13) and reinstated on March 4, 2014 (Docket #15).

has not previously filed an amended complaint and had yet to serve Defendants at the time the motion was filed, the motion to amend the complaint (Docket #10) is ALLOWED.

/S/ David H. Hennessy

David H. Hennessy

UNITED STATES MAGISTRATE JUDGE