

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HENRY GLASPIE,

Plaintiff,

v.

Case No. 11-10087
Honorable Patrick J. Duggan

BANK OF AMERICA, N.A. and
TROTT AND TROTT, P.C.,

Defendants.

_____ /

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND COMPLAINT**

On December 16, 2010, Plaintiff initiated this action against Defendants in the Circuit Court for Oakland County, Michigan. Defendants removed Plaintiff's Complaint to this Court on January 7, 2011, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In his Complaint, Plaintiff alleges the following counts: (I) violation of the Michigan Consumer Protection Act; (II) violation of the federal Fair Debt Collection Practices Act; and (III) violation of Regulation Z of the federal Truth in Lending Act. Presently before the Court is Plaintiff's motion to amend his Complaint, filed pursuant to Rule 15 of the Federal Rules of Civil Procedure on March 17, 2011. Defendants were served with a copy of Plaintiff's motion pursuant to the Court's electronic filing system; however, they have not responded to the motion and the time for doing so has expired.

In his motion, Plaintiff seeks leave to file an amended complaint which withdraws Count II of his original Complaint and adds factual allegations and counts alleging a

violation of the Michigan Mortgage Brokers, Lenders and Servicers Licensing Act and “Breach of Stipulated Agreement.” (*See* Mot. Ex. A.) Pursuant to Federal Rule of Civil Procedure 15(a), leave to amend is freely granted where justice so requires. *See* Fed. R. Civ. P. 15(a). The Supreme Court has advised that “[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). However, the Court further advised that a motion to amend a complaint should be denied if the amendment is brought in bad faith or for dilatory purposes, results in undue delay or prejudice to the opposing party, or would be futile. *Id.*

This Court finds no reason to deny Plaintiff’s request to amend his Complaint. Nothing suggests that the amendment is brought in bad faith or for dilatory purposes or that it will prejudice Defendants. Plaintiff’s counsel represents in the motion that he recently obtained documentation precipitating the proposed amendments and thus that there was no undue delay in filing the pending motion. Finally, the amendment should not delay the litigation of this matter according to the Scheduling Order entered on February 8, 2011.

Accordingly,

IT IS ORDERED, that Plaintiff’s motion for leave to amend his Complaint is **GRANTED**;

IT IS FURTHER ORDERED, that Plaintiff shall file his amended complaint

within seven (7) days of the date of this Opinion and Order.

Date: April 15, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Daniel C. Flint, Esq.
Richard Welke, Esq.
Courtney D. Roschek, Esq.