

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAURA A. YANAKEFF,

Plaintiff,

vs.

No. 2:12-cv-13221  
Hon. Gerald E. Rosen

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS and  
FREEDOM MORTGAGE  
CORPORATION,

Defendants.

\_\_\_\_\_ /

**ORDER**  
**GRANTING PLAINTIFF LEAVE TO AMEND COMPLAINT**

**I. INTRODUCTION**

This mortgage foreclosure action was filed by Plaintiff Laura A. Yanakeff in Macomb County Circuit Court on July 2, 2012. Plaintiff requests that this Court (i) declare her the holder in fee simple of the property in question, (ii) extinguish any interest in the property held by Defendants, and (iii) return the property to her and fine Defendants double the property's value for defending a fraudulent foreclosure. Defendants have moved to dismiss Plaintiff's Complaint under Fed. R. Civ. P. 12(b)(6).

As part of her response to Defendants' motion to dismiss, Plaintiff requested leave to amend her Complaint. Defendants' opposed Plaintiff's request in their reply, arguing that Plaintiff was required to file her amended Complaint within 21

days of their motion to dismiss if she wished to amend without leave of the Court. On October 8, 2012, Plaintiff retained Lawrence Radden as her attorney in this matter.

Fed. R. Civ. P. 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires.” Moreover, this Court has “a responsibility to construe *pro se* complaints liberally and to allow ample opportunity for amending the complaint when it appears that the *pro se* litigant would be able to state a meritorious claim.” *McCallum v. Gilless*, 38 F. App'x 213, 216 (6th Cir.2002). In light of (i) the confused nature of Plaintiff’s Complaint and response brief, and (ii) the fact that Plaintiff has retained the assistance of counsel, this Court finds that the interests of justice require that Plaintiff’s request for leave to file an amended Complaint be GRANTED.

Plaintiff’s amended Complaint must be filed no later than **Monday, March 18, 2013 at 5 p.m.**

**IT IS SO ORDERED.**

Dated: March 7, 2013

s/Gerald E. Rosen  
GERALD E. ROSEN  
CHIEF JUDGE, U.S. DISTRICT COURT

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, Thursday, March 7, 2013, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135