

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN KEVIN KENNEDY and)	
LISA ANNE KENNEDY,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:12-CV-726-JAR
)	
BAC HOME LOANS SERVICING, LP,)	
and KOZENY & McCUBBIN, L.C,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion Seeking Leave to File Amended Complaint in Lieu of Resolving Defendant’s Pending Motion to Dismiss [ECF No. 18]. In response to Plaintiffs’ Motion, Defendant Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, takes no position regarding Plaintiffs’ Motion. [ECF No. 20]. Defendant Kozeny & McCubbin, LC, did not respond to Plaintiffs’ Motion.

Under Federal Rule of Civil Procedure 15, a court should grant leave to amend freely “when justice so requires.” Fed.R.Civ.P. 15(a)(2). “[A]bsent a good reason for denial—such as undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of the amendment—leave to amend should be granted.” Brown v. Wallace, 957 F.2d 564, 566 (8th Cir.1992) (citing Thompson-El v. Jones, 876 F.2d 66, 67 (8th Cir. 1989)). The Court finds no “good reason” to deny Plaintiffs’ unopposed motion for leave to file their proposed amended complaint.

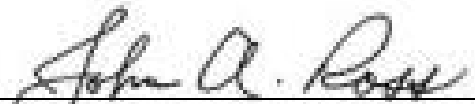
Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Motion Seeking Leave to File Amended

Complaint in Lieu of Resolving Defendant's Pending Motion to Dismiss [18] is **GRANTED**.

IT IS FURTHER ORDERED that Bank of America's Motion to Dismiss [10] is **DENIED** as moot, without prejudice.

Dated this 16th day of July, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE