

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF MISSOURI  
 EASTERN DIVISION

CERTAIN UNDERWRITERS AT )  
 LLOYD'S LONDON, SUBSCRIBING TO )  
 CERTIFICATE NO. 004029, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 PLAZA BANQUEUT CENTERS, INC., )  
 d/b/a LIGHTS ON BROADWAY, et al., )  
 )  
 Defendants. )

Case No. 4:14CV00936 AGF

**MEMORANDUM AND ORDER**

This action is for a declaratory judgment with respect to the rights and obligations of the parties pursuant to a commercial general liability policy issued by Plaintiff. The matter is now before the Court on Plaintiff's motion for leave to file a first amended complaint. The original complaint was filed on May 16, 2014, and asserted one policy exclusion as a basis for denying defense and indemnity coverage. The proposed amended complaint adds several other grounds for Plaintiff's denial of benefits under the policy.

Pursuant to Federal Rule of Civil Procedure 15(a)(2), courts should grant leave to amend a pleading "freely . . . when justice so requires." The Court believes that here, Plaintiff should be permitted to amend its complaint as proposed. No undue delay will result, and the Court discerns no undue prejudice to Defendants. A Case Management Order has just been issued in the case. The legal validity of Plaintiff's proposed new claims can best be tested by means of a fully briefed motion to dismiss and/or motion for

summary judgment. The Court has reviewed Defendants' motion for a hearing on Plaintiff's motion for leave and does not believe that a hearing is necessary or would be helpful to the Court's determination.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' motion for a hearing on Plaintiff's motion for leave to file a first amended complaint is **DENIED**. (Doc. No. 51.)

**IT IS FURTHER ORDERED** that Plaintiff's motion for leave to file a first amended complaint is **GRANTED**. (Doc. No. 35.)

**IT IS FURTHER ORDERED** that the Clerk of Court shall separate the proposed amended complaint that is attached as an exhibit to Plaintiff's motion and docket it as Plaintiff's First Amended Complaint.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 22<sup>nd</sup> day of October, 2014.