

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CYNTHIA HOOPS,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:16-cv-01543-AGF
)	
MEDICAL REIMBURSEMENTS OF)	
AMERICA, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for leave to file a second amended complaint. Plaintiff's proposed amendment adds a breach-of-contract claim based on breach of a "Consent and Agreement Physician Services and Hospital Services," which Plaintiff entered with Defendant Mercy Hospitals East Communities; removes a conversion claim, and adds facts relating to damages. The motion was filed before the deadline to amend pleadings as set forth in the Case Management Order. Defendants oppose the motion, arguing that the amendment could have been made sooner and that the proposed new breach-of-contract claim is futile.

Under Federal Rule of Civil Procedure 15(a), a court "should freely give leave [to amend pleadings] when justice so requires." Notwithstanding this liberal standard, a court may deny leave to amend where the proposed amendment would be futile or cause unfair prejudice to the opposing party. *Crest Const. II, Inc. v. Doe*, 660 F.3d 346, 358 (8th Cir. 2011). Defendants have not shown they would be unfairly prejudiced by allowing

Plaintiff to amend her complaint. And at this stage, the Court cannot say that the proposed new breach-of-contract claim would be futile.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to file a second amended complaint is **GRANTED**. ECF No. 47. The Clerk of Court shall detach ECF No. 47-1 and file it as Plaintiffs' Second Amended Complaint.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2017.