

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIREDouglas F. Kydd, et al.

v.

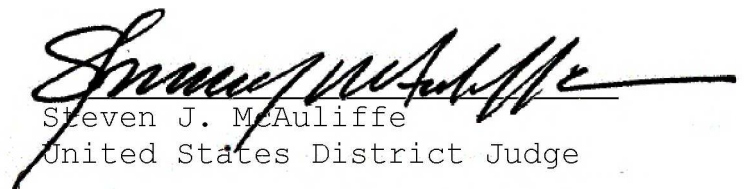
Case No. 12-cv-403-SM

Maple Leaf HomesORDER

Re: Document No. 14, Report and Recommendation re: [11] Motion to Amend Complaint, and Document No. 15, Objection to Magistrate Judge's Decision (Rule 72(a)).

Ruling: The objection to the Magistrate Judge's Report and Recommendation is sustained with respect to the proposed addition of a breach of warranty claim, and the motion to amend is allowed as to that claim. A review of the docket discloses that the parties filed an assented-to motion to amend the pretrial scheduling order (doc. no. 9) to, inter alia, extend the time to file amendments to pleadings until November 1, 2013, and to amend the complaint by September 12, 2013, which motion was granted on July 24, 2013. The motion to amend the complaint to add claims was filed on October 10, 2013, after the complaint amendment date, but before the pleading amendment date. The delay was not significant and some confusion might be supposed, and, in any event, a delay of less than thirty days to add what is, for practical purposes, a different legal theory that will not require any significant factual discovery, is not a circumstance likely to prove to the defendant. However, except for the breach of warranty claim, the other proposed amendments, would be futile, so those proposed amendments are denied.

Date: January 16, 2014



Steven J. McAuliffe
United States District Judge

cc: All Counsel of Record