

opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). The Federal Rules of Civil Procedure advise that a court "should freely give leave when justice so requires." *Id.* "[I]f the plaintiff has at least colorable grounds for relief, justice does so require unless the plaintiff is guilty of undue delay or bad faith or unless permission to amend would unduly prejudice the opposing party." *S.S. Silberblatt, Inc. v. E. Harlem Pilot Block--Bldg. 1 Hous. Dev. Fund Co., Inc.*, 608 F.2d 28, 42 (2d Cir. 1979).

II. Discussion

Plaintiff does not have a colorable ground for an accounting of Patriot Partners under New York Partnership Law. The Court's October 24 Opinion and Order held that Plaintiff had not established a right to an accounting on *either* an equitable or statutory basis. *Soley*, 2013 WL 5780814, at *1. The Court denied Plaintiff's request for an equitable accounting because she had failed to carry her burden to demonstrate that she had no adequate remedy at law. *Id.* at *2. With respect to her statutory right to an accounting, the Court noted that Plaintiff's cause of action for an accounting made no reference to New York Partnership law, but ultimately held that, "[e]ven if Plaintiff had alleged a statutory cause of action under New York Partnership Law, her claim would have been mooted by the jury trial." *Id.* (emphasis added).

III. Conclusion

For the foregoing reasons, Plaintiff's request for leave to amend her complaint is DENIED.

SO ORDERED.

Dated: New York, New York
December 3, 2013

/s/ _____
Kimba M. Wood
United States District Judge