

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC,

Plaintiff,

-v-

REDIGI INC., JOHN OSSENMACHER, and  
LARRY RUDOLPH,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/29/2014

No. 12-cv-95 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On October 21, 2014, Plaintiff Capitol Records, LLC submitted a letter seeking leave to file its Second Amended Complaint to join as plaintiffs two of its affiliated companies, Capitol Christian Music Group, Inc. and Virgin Records IR Holdings, Inc. On October 24, 2014, Defendants ReDigi Inc., John Ossenmacher, and Larry Rudolph submitted a letter in opposition. (Doc. No. 157.) For the reasons discussed below, the Court grants Plaintiff's request.

"Although Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend 'shall be freely given when justice so requires,' it is within the sound discretion of the [Court] to grant or deny leave to amend." *McCarty v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007). Leave to amend may be properly denied for "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of the amendment." *Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008).

Here, Plaintiff's proposed amended complaint involves mostly technical changes that are not the result of undue delay or bad faith and would not require additional discovery. Therefore, the Court finds that Defendants would not suffer undue prejudice from permitting Plaintiff to file its proposed Second Amended Complaint. Accordingly, IT IS HEREBY ORDERED THAT Plaintiff shall file the proposed amended complaint attached to their October 21, 2014 letter by October 30, 2014.

SO ORDERED.

Dated:           October 28, 2014  
                  New York, New York

A handwritten signature in black ink, appearing to read "Richard J. Sullivan", written over a horizontal line.

RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE