

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12cv97**

LEXINGTON INSURANCE)
COMPANY,)
)
 Plaintiff,)
)
v.)
)
DATA AIRE, INC. and TRANE U.S.,)
INC.,)
)
 Defendants.)
_____)

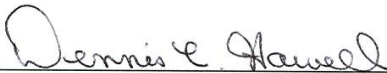
ORDER

Pending before the Court is the Motion to Amend [# 13] and Consent Motion to Stay [#19]. Plaintiff seeks leave of Court to file an Amended Complaint. Rule 15 of the Federal Rules of Civil Procedure provides that a party may amend its pleading after the expiration of the time periods in Rule 15(a)(1) with the Court’s leave or the written consent of the opposing party. Fed. R. Civ. P. 15(a)(2). None of the Defendants have filed a response to the motion. Upon a review of the Plaintiff’s motion, the Court **GRANTS** Plaintiff leave to file an Amended Complaint within ten (10) days of the entry of this Order. Defendants shall have twenty (20) days to answer or otherwise respond to the Amended Complaint. The Court, however, makes no determination at this time as to

whether the amended pleading would relate back to the date of the original pleading. If The Trane Company raises the statute of limitations as a defense to the claims asserted against it and files a Rule 12 motion, the Court will address the issue at that time.

Finally, the Court **GRANTS** the Consent Motion to Stay [# 19]. The parties shall have fourteen (14) days from either the filing of the final answer to the Amended Complaint or from the date the Court rules on any Rule 12 motions filed by Defendants to conduct their initial attorney's conference.

Signed: March 29, 2013



Dennis L. Howell
United States Magistrate Judge

