

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-CV-386**

<p>DONNA TATE,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>SALLIE MAE, INC and SLM FINANCIAL CORPORATION,</p> <p style="text-align:center">Defendants.</p> <hr style="width:100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>ORDER</p>
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THIS MATTER is before the Court upon Defendants’ Motion to Dismiss [D.I. 7], Plaintiff’s Motion to Amend/Correct Complaint [D.I. 14], and Defendants’ Motion to Strike Plaintiff’s Amended Complaint [D.I. 18]. For the reasons laid out below, the Defendants’ Motion to Dismiss is **DENIED WITHOUT PREJUDICE**, the Plaintiff’s Motion to Amend is **GRANTED** and the Defendants’ Motion to Strike is **DENIED**.

The Defendants are correct that the Plaintiff has completely confused the record of this case, making it more difficult both for the Defendants and for this Court. However, in the interest of efficiency and fairness, Plaintiff’s Motion to Amend is granted. While the Court appreciates the Defendants’ frustration in this matter, the liberal construction of Rule 15(a) instructs this Court to allow parties to amend their complaints in most circumstances. Fed. R. Civ. P. 15(a). Rather than deal with Defendants’ Motion to Dismiss on certain of the Plaintiff’s claims and then allow Defendants to respond to any additional allegations, the Court finds it more efficient and fair to both parties to deal with all allegations at once. Therefore, Plaintiff’s

Amended Complaint is allowed [D.I. 16] and Defendants' Motion to Strike is denied. In accordance with their request, Defendants are granted 20 days from the date of this Order to file a responsive pleading. The Plaintiff is reminded that the requirement under the Local Rules to confer with counsel on the filing of a motion is not to be done after the filing of the motion; Plaintiff's Notice of Certification and Report of Consultation is unacceptable and will not be tolerated in the future. [D.I. 16]. Plaintiff is warned that further amendments to the Complaint or behavior such as lack of consultation will not be looked upon favorably by this Court.

SO ORDERED.

Signed: May 9, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

