UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE BUCKEYE RANCH, INC.,

Plaintiff,

v.

Civil Action 2:18-cv-906
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura

DISABILIY RIGHTS OHIO,

Defendant.

OPINION AND ORDER

This matter is before the Court for consideration of Plaintiff's Motion for Leave to File Second Amended Complaint ("Motion") (ECF No. 15) and Defendant's Response in Opposition (ECF No. 20). For the reasons that follow, Plaintiff's Motion is **GRANTED**.

I. BACKGROUND

Disability Rights Ohio ("DRO") commenced an action against The Buckeye Ranch, Inc. ("Buckeye Ranch") in this Court on August 16, 2018. (*See Disability Rights Ohio v. The Buckeye Ranch, Inc*., Civil Action 2:18-cv-894.) On August 17, 2018, Buckeye Ranch commenced the present action against DRO (ECF No. 1) and filed its First Amended Complaint on August 21, 2018 (ECF No. 8). The day after Buckeye Ranch filed its First Amended Complaint in this action, the Court determined that the two actions are related and effectively consolidated them. (ECF Nos. 9, 11.)

On October 12, 2018, DRO amended its complaint against Buckeye Ranch in the related action, and Buckeye Ranch filed an Answer and Counterclaim to DRO's Amended Complaint on

November 7, 2018. (Civil Action 2:18-cv-894, ECF Nos. 22, 28.) The same day, Buckeye Ranch filed the present motion for leave to file a Second Amended Complaint in this action. (ECF No. 15.) Buckeye Ranch's proposed Second Amended Complaint in this action asserts identical claims to those asserted in Buckeye Ranch's Counterclaim in the related action.

II. STANDARD OF REVIEW

Under Federal Rule of Civil Procedure 15(a)(2), the Court should give leave for a party to amend its pleading "when justice so requires." Fed. R. Civ. P. 15(a)(2). "The thrust of Rule 15 is to reinforce the principle that cases should be tried on their merits rather than the technicalities of pleadings." *Teft v. Seward*, 689 F.2d 637, 639 (6th Cir. 1982) (citations omitted); *Oleson v. United States*, 27 F. App'x 566, 569 (6th Cir. 2001) (internal quotations omitted) (noting that courts interpret the language in Rule 15(a) as conveying "a liberal policy of permitting amendments to ensure the determination of claims on their merits"). "Nevertheless, leave to amend 'should be denied if the amendment is brought in bad faith, for dilatory purposes, results in undue delay or prejudice to the opposing party, or would be futile.'" *Carson v. U.S. Office of Special Counsel*, 633 F.3d 487, 495 (6th Cir. 2011) (quoting *Crawford v. Roane*, 53 F.3d 750, 753 (6th Cir. 1995)).

III. DISCUSSION

DRO argues that the Second Amended Complaint is redundant with the Counterclaim in the related action, and thus DRO will incur unnecessary costs in responding to both the Counterclaim and the Second Amended Complaint. (Resp. 1–2, ECF No. 20.) However, given that the two pleadings are nearly verbatim, the time and expense of responding to both will be little more than that required to respond to the Counterclaim alone. Additionally, Buckeye Ranch asserts that the Second Amended Complaint will address deficiencies identified by DRO when moving to dismiss Buckeye Ranch's First Amended Complaint, a point which DRO does

not address. (Mot. 2, ECF No. 15.) Further, there is no evidence that Buckeye Ranch brings the Second Amended Complaint in bad faith or for dilatory purposes, or that it would result in prejudice to DRO. Accordingly, the Court exercises its discretion to **GRANT** Buckeye Ranch's Motion. (ECF No. 15.)

Buckeye Ranch's filing of the Second Amended Complaint moots the pending Motion to Dismiss by DRO. (ECF No. 14.) DRO remains free to challenge the Second Amended Complaint by filing a new motion to dismiss or renewing its previous motion.

IV. CONCLUSION

For foregoing reasons, Buckeye Ranch's Motion for Leave to File Second Amended Complaint is **GRANTED**. (ECF No. 15.) The Clerk is **DIRECTED** to file Plaintiff's Second Amended Complaint, attached to its Motion as Exhibit 1. (ECF No. 15-1.) DRO's Motion to Dismiss (ECF No. 14) is **DENIED AS MOOT** and **WITHOUT PREJUDICE** to filing a motion to dismiss challenging Buckeye Ranch's Second Amended Complaint.

IT IS SO ORDERED.

/s/ *Chelsey M. Vascura*
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE