

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

3M COMPANY,	:	
	:	
Plaintiff,	:	Case No. 3:20-cv-443
	:	
v.	:	Judge Thomas M. Rose
	:	
PREMIUM CONTRACTOR SOLUTION,	:	
LLC,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER STRIKING THE [1ST AMENDED] ANSWER AND
THIRD PARTY COMPLAINT (DOC. 19) AND STRIKING THE ANSWER AND
2ND AMENDED THIRD-PARTY COMPLAINT (DOC. 22)**

On December 14, 2020, Defendant/Third Party Plaintiff Premium Contractor Solution, LLC (“PCS”) filed an Answer and Third Party Complaint. (Doc. 17.) Twenty-three days later, on January 6, 2021, PCS filed a [First Amended] Answer and Third Party Complaint. (Doc. 19.) Twenty-four more days after that, on January 30, 2021, PCS filed an Answer and 2nd Amended Third-Party Complaint. (Doc. 22.) Federal Rule of Civil Procedure 15(a)(1) provides certain circumstances in which a party may amend its pleading once as a matter of course. Federal Rule of Civil Procedure 15(a)(2) provides that, “[i]n all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” The circumstances in Rule 15(a)(1) do not apply here, and PCS never sought leave from this Court to file either of those amended pleadings (and there is no written consent from the opposing parties). Therefore, the Court **STRIKES** the [1st Amended] Answer and Third Party Complaint (Doc. 19) and **STRIKES** the Answer and 2nd Amended Third-Party Complaint (Doc. 22). Of course, PCS may file a motion seeking leave from this Court to amend its Answer and Third Party Complaint (Doc. 17).

DONE and ORDERED in Dayton, Ohio, this Monday, February 1, 2021.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE