

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Edwin J. Engel and Janette K. Engel, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 The Boeing Company and Joshua A. Jones, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

C.A. No.: 2:18-cv-61-PMD

**ORDER**

This matter is before the Court on Plaintiffs Edwin and Janette Engel’s motion to remand (ECF No. 14). The Court grants the Engels’ motion. State Farm’s opposition to the Engels’ motion is based on its argument that they did not file a motion to amend their complaint to add Defendant Joshua Jones. However, no such motion was required as the Engels had not previously sought to amend their complaint and their amended complaint was filed well within twenty-one days of Defendant Boeing’s answer. *See* Fed. R. Civ. P. 15(a)(1)(B). Moreover, even if the Court’s leave was required, it is required to freely give leave when justice so requires. Fed. R. Civ. P. 15(a)(2). State Farm’s response has failed to convince the Court that it would be prejudiced, that the amendment is futile, or that the Engels were dilatory in seeking to amend their complaint. Accordingly, even if the Court’s leave were necessary, the Court would grant that leave. As both Boeing and State Farm agree with the Engels that remand is appropriate if Jones remains in the case, the Court hereby remands this case to the Charleston County Court of Common Pleas.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
PATRICK MICHAEL DUFFY  
United States District Judge

**April 17, 2018  
Charleston, South Carolina**