

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LATHAN & PATRICIA HERMES and )  
LINDA BOLINEAU, )  
 )  
Plaintiffs, )  
 )  
v. ) No. 3:13-CV-416-PLR-CCS  
 )  
RIZO LUBIC, *et al.*, )  
 )  
Defendants. )  
 )

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendant O’Neill Transport Services, Inc.’s Motion for Relief from Entry of Default [Doc. 19] and Defendants Fahrudin Hasanovic and MHM Trucking LLC’s Motion to Amend Answer to Complaint [Doc. 21]. All parties have signified their agreement that the Court should grant the Motion for Relief from Entry of Default [Doc. 19] by endorsing an agreed order stating the same [Doc. 19-3]. Moreover, the time for filing a response in opposition to the Motion to Amend [Doc. 21] has expired without any party opposing the relief sought.

Accordingly, the Court finds that the Motion for Relief from Entry of Default [**Doc. 19**] and Motion to Amend Answer to Complaint [**Doc. 21**] are well-taken, and they are **GRANTED**. The entry of default against O’Neill Transport by the Clerk of Court [Doc. 17] is **VACATED**.

Defendants Fahrudin Hasanovic, MHM Trucking, and O'Neill Transport Services **SHALL FILE** their answer and/or amended answer, in full,<sup>1</sup> on or before **March 27, 2014**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup> Defendants Fahrudin Hasanovic and MHM Trucking LLC did not comply with Local Rule 15.1 by attaching of their proposed amended complaint to the motion. However, they identified the language which they proposed to add to their answer in their motion. Under the circumstances the Court finds that it is appropriate to excuse these Defendants' non-compliance. However, the Defendants are **DIRECTED** to comply with Local Rule 15.1's additional requirement that: "Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, *reproduce the entire pleading as amended* and may not incorporate any prior pleading by reference." E.D. Tenn. L.R. 15.1 (emphasis added).