

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PHYLLIS CONNATSER,)	
)	
Plaintiff,)	
)	
v.)	No. 3:13-CV-418
)	(COLLIER/SHIRLEY)
UT-BATTELLE, LLC, and)	
DEBBIE OTTAWAY,)	
)	
Defendants.)	

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 the Plaintiff’s Motion to Amend Complaint [Doc. 19], filed on November 4, 2013.

The motion states that the Plaintiff seeks to submit a Second Amended Complaint [Doc. 20-1] which alleges the facts and circumstances of her claim against the Defendants more clearly. The Plaintiff has attached her proposed Second Amended Complaint in compliance with Local Rule 15.1¹ and argues that justice requires that the amendment be accepted. The Defendants filed a response [Doc. 21] opposing the Plaintiff’s motion. The Defendants maintain that the Plaintiff failed to identify how her proposed Second Amended Complaint corrects any deficiencies identified in the Defendants’ Motion to Dismiss [Doc. 3] which is currently pending before the District Court. The Defendants also submit that the Plaintiff has already amended her Complaint once, alleging to have resolved any deficiencies, and that allowing the Plaintiff to

¹ Local Rule 15.1 provides that “[a] party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the motion.” In addition, the Rule states that the party must file the “entire pleading as amended and may not incorporate any prior pleading by reference.” E.D.T.N. LR 15.1.

amend her Complaint for the second time would allow the Plaintiff “a third bite at the apple.” The Plaintiff filed a reply [Doc. 22] submitting that her proposed Second Amended Complaint is not futile or prejudicial to the Defendants, but rather provides a more detailed account of the facts of her case.

Federal Rule of Civil Procedure 15(a)(2) states that a court should freely give leave to amend when justice so requires. Under this rule, “[a] motion to amend a complaint 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.” Crawford v. Roane, 53 F.3d 750, 753 (6th Cir. 1995). The purpose of the Plaintiff’s Second Amended Complaint is to provide a more detailed account of the facts. The Court finds that the Defendant will not be prejudiced by the additional factual allegations and that justice so requires an amendment to clarify the Plaintiff’s claims. Moreover, the Court notes that allowing the Plaintiff to amend her Complaint will not further delay the proceedings as the parties have not engaged in discovery, as submitted in the Defendants’ response.

Accordingly, pursuant to Rule 15(a)(2) and because the Defendant has not been prejudiced nor will a delay result in the proceedings, the Court finds the Plaintiffs’ Motion to Amend Complaint [**Doc. 19**] is **GRANTED**.

IT IS SO ORDERED.

ENTER:

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