

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MARTIN WALTER, and ELIZABETH WALTER, )  
and GARY WICHROWSKI, and )  
JAN WICHROWSKI, d/b/a B&G PROPERTIES )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
AUTO-OWNERS MUTUAL INSURANCE )  
COMPANY, )  
 )  
 )  
Defendant. )

No. 3:15-CV-535-TAV-CCS

**ORDER**

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

Now before the Court is Plaintiffs’ Motion for Leave to File Amended Complaint [Doc. 25]. For grounds, Plaintiffs assert that the proposed Amended Complaint increases the ad damnum. Specifically, Plaintiffs state that they seek to increase the amount sought from “an amount not to exceed \$300,000.00” to “an amount not to exceed the policy limits of \$549,100.00.” Plaintiffs explain that Defendants will not suffer prejudice from the filing of the Amended Complaint because the amendment merely increases the potential recovery. Further, Plaintiffs explain that the Amended Complaint does not add any causes of action and is timely under the Scheduling Order in this case. Plaintiffs included the proposed First Amended Complaint [Doc. 25 at 3-5] with their Motion in accordance with Local Rule 15.1.<sup>1</sup>

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<sup>1</sup> The Court, however, admonishes Plaintiffs that pursuant to ECF Rule 4.7, the proposed First Amended Complaint should be filed as an exhibit to the Motion.

The Court finds that no party has responded in opposition to the Motion, and the time for doing so has expired. *See* E.D. Tenn. L.R. 7.2 (“Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought.”). In addition, the Court finds that Plaintiffs’ Motion is supported by good cause, *see* Fed. R. Civ. P. 15, and it complies with the Rules of this Court, *see* E.D. Tenn. L.R. 15.1. Finally, the Court finds Plaintiffs’ Motion timely pursuant to the Scheduling Order in this case. *See* [Doc. 8 at 6] (“At least one hundred and fifty (150) days before trial all motions for leave to amend the pleadings and parties must be filed.”). Accordingly, Plaintiffs’ Motion for Leave to File Amended Complaint [Doc. 25] is **GRANTED**. Plaintiffs **SHALL FILE** their First Amended Complaint for Damages and Breach of Contract [Doc. 25 at 3-5] as their operative pleading in CM/ECF on or before **December 14, 2017**.

**IT IS SO ORDERED.**

ENTER:

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