

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

Motion GRANTED.

BARRY GLENN HARDISON, )  
)  
Plaintiff, )  
)  
v. )  
)  
LOIS WAGSTROM, M.D., P.C. and )  
LOIS WAGSTROM, M.D. Individually, )  
)  
Defendants. )

Case No. 3:13-CV-0495  
Electronically Filed  
Jury Demand

**MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER**

Comes now, Lois Wagstrom, M.D., P.C. and Lois Wagstrom, M.D., Individually, (“the Defendants”), and move for leave to amend their Answer to the Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2). The Defendant’s First Amended Answer is attached as Exhibit A to this Motion for the Court’s consideration.

The Plaintiff’s Complaint was filed on May 23, 2013. The Defendants timely filed their Answer on June 19, 2013 (Doc. 7), noting in their “Affirmative Defenses” that “[d]iscovery has not yet been completed, and the Defendants reserve their right to identify comparative tortfeasors, including the Plaintiff, if necessary based upon the receipt of information obtained during discovery.” Rather than making a blanket allegation of comparative fault, the Defendants waited for discovery to plead specifics.

The Plaintiff’s deposition was taken on April 16, 2014. During this deposition, material information was discovered warranting an amendment to the Defendants’ responsive pleading to formally add an affirmative defense of comparative fault. In particular, the Plaintiff confirmed he withheld from Dr. Wagstrom pertinent medications,