
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**CLINICAL INNOVATIONS, LLC, a
Delaware limited liability company,**

Plaintiff,

v.

**AMED, INC. dba ATLANTIC MEDICAL
SYSTEMS, INC., a New York corporation,**

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:10-cv-152-CW-PMW

District Judge Clark Waddoups

Magistrate Judge Paul M. Warner

District Judge Clark Waddoups referred this case to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is Clinical Innovations, LLC's ("Plaintiff") motion for leave to amend its complaint.² AMED, Inc. dba Atlantic Medical Systems, Inc. ("Defendant") opposes Plaintiff's motion.³ The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to civil rule 7-1(f) of the Rules of Practice for the United States District Court for the District of Utah, the court has concluded that oral argument is not necessary and will determine the motion on the basis of the written memoranda. *See* DUCivR 7-1(f).

¹ *See* docket no. 18.

² *See* docket no. 31.

³ *See* docket no. 34

Plaintiff's motion for leave to amend is governed by rule 15(a)(2) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 15(a)(2). Under that rule, "[t]he court should freely give leave" to amend pleadings "when justice so requires." *Id.*; *see also Foman v. Davis*, 371 U.S. 178, 182 (1962). The decision about whether to provide a party leave to amend its pleadings "is within the discretion of the trial court." *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006) (quotations and citation omitted). "Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment." *Bylin v. Billings*, 568 F.3d 1224, 1229 (10th Cir. 2009) (quotations and citation omitted).

The court is not persuaded by Defendant's futility arguments. For that reason, and based upon the liberal standard for granting leave to amend pleadings under rule 15(a)(2), Plaintiff's motion for leave to amend its complaint⁴ is **GRANTED**. Plaintiff shall file its amended complaint within fourteen (14) days of the date of this order.

IT IS SO ORDERED.

DATED this 21st day of January, 2011.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

⁴ *See* docket no. 31.