
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

TODD MCFARLANE, et al, and JOHN/JANE
DOES A-Z,

Plaintiffs,

v.

MILLARD COUNTY, Body Politic & Political
Subdivision of the State of Utah; DEAN
DRAPER, Millard County Commissioner;
JAMES WITHERS, Millard County
Commissioner; WAYNE JACKSON, Millard
County Commissioner; ALAN ROPER, former
Millard County Commissioner; BONNIE
GEHRE, Millard County Auditor; and
PATRICK FINLINSON, Millard County
Attorney, individually, and in their official
capacities and; JOHN/JANE DOES 1-10,

Defendants.

MEMORANDUM

DECISION

2:17-CV-00599-DS

District Judge David Sam

Before the court is Mr. Macfarlane's Motion for Leave to Amend Complaint. Doc. No. 38. Plaintiff asserts that he is requesting an order granting leave to file a Second Amended Complaint to substantially narrow, refine, simplify, focus and clarify his claims and causes of action. FRCP 15(a) provides: "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." The court hereby grants leave to amend.

Defendants oppose Plaintiffs' Motion for Leave to Amend Complaint, alleging that Plaintiffs failed to give adequate reasons for the untimeliness of their proposed amendments, the proposed amendments would be futile, and the amendments would cause undue prejudice.

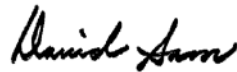
Defendants also complain that Plaintiffs “have continually flouted the rules that govern litigants in this court, mixed and matched legal standards to their liking, and created requests for relief that do not exist.” Doc. No. 42, at 9.

The court, like the defendants, have observed that Plaintiffs have established a pattern of inundating the Court with multiple, often unmeritorious, filings in unreasonably close succession. While this is unacceptable, Plaintiffs insist that allowing them to amend the Complaint one more time will help to clarify, focus, simplify, prioritize, and streamline the case, something that is much needed in this case.

For the above reasons, and good cause appearing, the Motion for Leave to Amend Complaint (Doc. No. 38) is hereby GRANTED. So ordered.

DATED this 20th day of September, 2017.

BY THE COURT:



DAVID SAM

United States District Judge