UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICK OLMSTEAD,

Plaintiff,

v.

RAY MABUS, Secretary of the Navy,

Defendant.

CASE NO. C13-5051 BHS

ORDER GRANTING PLAINTFF'S MOTION FOR LEAVE TO AMEND

This matter comes before the Court on Plaintiff Rick Olmstead's ("Olmstead") motion for leave to amend complaint (Dkt. 26).

On January 23, 2013, Olmstead filed a complaint against Defendant Ray Maybus ("Maybus"), in his official capacity as Secretary of the Navy, alleging age discrimination in violation of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 633a, and harassment. Dkt. 1.

On January 29, 2014, Maybus filed a motion to dismiss and/for summary judgment. Dkt. 16. On February 21, 2014, Olmstead filed a motion for leave to amend

his complaint. Dkt. 26. On March 10, 2014, the Court granted Maybus's motion dismissing Olmstead's original two claims. Dkt. 31.

In his motion, Olmstead seeks leave to add a claim for retaliation based on loss of overtime and denial of promotions after he attempted to file a complaint for age discrimination. Dkt. 26. Maybus failed to file a response to Olmstead's motion, which the Court will consider as an admission that Olmstead motion has merit. Local Rule 7(b)(2). Upon review of Olmstead's motion and proposed complaint, the Court finds no reason to deny Olmstead leave to amend to assert the retaliation claim. Olmstead shall file an amended complaint as a separate entry on the electronic docket, and the complaint shall only include the retaliation claim because the other two claims have been dismissed. The Clerk is directed to strike the current scheduling order, and, no later than April 4, 2014, the parties shall submit a joint status report regarding proceeding with the retaliation claim.

IT IS SO ORDERED.

Dated this 21st day of March, 2014.

BENJAMIN H. SETTLE
United States District Judge