

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

BETH COPSON, as Administratrix of
the Estate of KYLE ANDREW COPSON,
deceased,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00127

PATRICK M. HEPHNER, individually
as a member of the West Virginia
State Police, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the unopposed motion to amend answer filed by defendant James C. Long. (ECF No. 19). In the amended answer, Long seeks to correct certain typographical errors.

Rule 15(a) of the Federal Rules of Civil Procedure permits a party to amend its pleading "once as a matter of course" at any time before a responsive pleading is served. "In all other cases, 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." Id. In Foman v. Davis, 371 U.S. 178, 182 (1962), the United States Supreme Court noted that amendment under Rule 15(a) should be freely given absent "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments

previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc."

After a review of the record, the court concludes that there has been no undue delay, bad faith, or dilatory motive on the part of defendant Long in filing the motion to amend. Furthermore, defendant would not suffer undue prejudice nor is it clear such an amendment would be futile. Therefore, defendant has established that he is entitled under Rule 15 to amend his answer. Accordingly, the motion to amend is **GRANTED** and the Clerk is directed to file Long's amended answer (attached as Exhibit 1 to the motion to amend).

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED this 20th day of June, 2019.

ENTER:



David A. Faber

Senior United States District Judge