

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TAEGER OSBURN,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-4236

PRECISION CAST CORPORATION
d/b/a HUNTINGTON ALLOYS,

Defendant.

MEMORANDUM OPINION AND ORDER

Now pending before the Court are Plaintiff's Motion to Extend Time to Amend (ECF No. 16) and Defendant's Renewed Motion to Dismiss (ECF No. 15). For reasons specified herein, Plaintiff's Motion to Extend is **GRANTED** and Defendant's Motion to Dismiss is **DENIED as moot**.

Pursuant to a Memorandum Opinion and Order entered November 30, 2017, the Court granted Plaintiff's Motion to Amend and directed Plaintiff to file an Amended Complaint by December 7, 2017 (ECF No. 14). Plaintiff failed to meet this deadline. In the present Motion to Extend, Plaintiff nevertheless asks the Court to extend the deadline so that he may now file his Amended Complaint (ECF No. 16). Plaintiff has attached his Amended Complaint as an exhibit to his Motion to Extend (ECF No. 1-1).


Analyzing Plaintiff's request for amendment, the Court reaches the same conclusions now as it did in its previous order. The Court finds that there has been no bad faith on Plaintiff's part

and the Court additionally finds that Defendant would not be prejudiced by allowing amendment. As such, the Court finds that amendment should be permitted.

Accordingly, the Court **GRANTS** Plaintiff's Motion to Extend Time to Amend (ECF No. 16) and **DIRECTS** Plaintiff to file his Amended Complaint immediately. As Plaintiff's Amended Complaint removes the presently-named defendant from this case, the Court **DENIES** Defendant's Motion to Dismiss (ECF No. 15) as moot.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: December 20, 2017

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE