

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

**HUNTINGTON DIVISION**

WAHOOWA, INC., and  
SUVAC, INC.,

Plaintiffs,

v.

CIVIL ACTION NO. 3:19-0717

CONSOL OF KENTUCKY, LLC, and  
CONSOL ENERGY, INC.,

Defendants/Third Party Plaintiffs/Cross Claimants,

v.

JAMES H. BOOTH,

Third Party Defendant.

SOUTHEASTERN LAND, LLC,

Cross Defendant.


**MEMORANDUM OPINION AND ORDER**

Pending is Plaintiffs' First Motion to Join and Amend Complaint, ECF No. 52. The proposed amended complaint contains four changes. First, Plaintiffs wish to join CNX Resources Corporation as a defendant. *Id.* ¶ 3–4. Plaintiffs claim that defendant Consol Energy, Inc. changed its name to CNX Resources Corporation, so CNX is liable. *Id.* Second, Plaintiffs wish to add a new cause of action that addresses an alleged breach of a Lease Guarantee Agreement by defendant Consol of Kentucky, LLC. *Id.* ¶ 6. Third, the proposed amended complaint explains more fully Plaintiffs' reasons for asserting the defendants are jointly liable. *Id.* ¶ 7. Fourth, the proposed

amended complaint removes allegations against Southeastern Land, LLC in light of the Court's prior entry of Default Judgment against Southeastern. *Id.* ¶ 9.

Under Federal Rule of Civil Procedure 15(a)(2), Plaintiffs may amend their complaint "only with the opposing party's written consent or the court's leave." A court "should freely give leave" to amend "when justice so requires." The defendants did not oppose Plaintiffs' Motion, and the Court finds no reason to deny it. The Court therefore **GRANTS** the Motion (ECF No. 52) and **DIRECTS** the Clerk to file the proposed amended complaint. The Court further **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

ENTER: March 4, 2020

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE