

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ZAZA PACHULIA and TINATIN
ALAVIDZE,

Plaintiffs,

v.

Case No. 16-CV-1531-JPS

RANDY USOW ACCOUNTING, INC.
and RANDY USOW,

Defendants,

and

CAROLINA CASUALTY
INSURANCE COMPANY,

Intervenor Defendant.

ORDER

On July 17, 2017, Plaintiffs filed an expedited motion for leave to amend their complaint. (Docket #33).¹ Federal Rule of Civil Procedure 15 dictates that leave to amend a pleading should be freely given “when justice so requires.” *See* Fed. R. Civ. P. 15(a)(2). Reasons for denying leave to amend can include undue delay, bad faith or dilatory motive on the part of the movant, undue prejudice to the opposing party, and futility. *Airborne Beepers & Video, Inc. v. AT&T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007). Plaintiffs propose to re-name R. Usow Accounting, LLC as a defendant, and add allegations of tax preparation improprieties in 2012. (Docket #33). The parties dispute who is responsible for the delay in correcting these

¹Plaintiffs filed a motion to seal certain exhibits attached to their motion for leave to amend. (Docket #34). The exhibits are confidential portions of Defendants’ document production. *Id.* The Court will grant the motion to seal.

omissions in the pleadings. *Id.*; (Docket #40). While each side may be at fault for the present state of affairs, justice does not require amendment for a different reason. The dispositive motion deadline in this matter passed on July 20, 2017, and the trial is set for November 27, 2017. (Docket #15). Permitting amendment at this stage would require adjournment of those dates, something that the Court informed the parties was not a possibility at the scheduling conference of January 26, 2017. *See* (Docket #14). Because Plaintiffs' proposed amendment would prejudice the Court's schedule and delay justice, their motion for leave to amend must be denied.

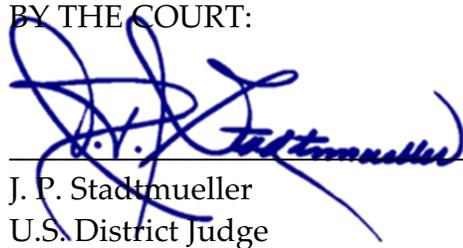
Accordingly,

IT IS ORDERED that Plaintiffs' motion for leave to file their second amended complaint (Docket #33) be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that Plaintiffs' motion to seal (Docket #34) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 26th day of July, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge