

GLR/byk

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BARBARA WOODWARD,

Plaintiff,

v.

Civil Action No. 05-2481 KHV/GLR

VIA CHRISTI HEALTH SYSTEM,
d/b/a/ MT. CARMEL REGIONAL
MEDICAL CENTER, CANCER
CENTER,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Amend Complaint to Add Additional Party (doc. 16). Plaintiff seeks leave to amend her Complaint to add Mt. Carmel Regional Medical Center, Inc. as a party defendant on all counts and in all parts. Defendant Via Christi Health System ("Via Christi") states in its response (doc. 22) that it does not oppose Plaintiff's request to add Mt. Carmel Regional Medical Center, Inc. as an additional party defendant, but does oppose Plaintiff's request that the Court allow the Amended Complaint to relate back to the date of the filing of Plaintiff's original Complaint.

Because Defendant Via Christi states that it does not oppose Plaintiff's request to add Mt. Carmel Regional Medical Center, Inc. as an additional party defendant, the Court will grant Plaintiff leave to file her Amended Complaint. The Court finds it premature, however, to rule upon the issue of relation back. The only material issue raised by the motion is

whether or not to allow the amendment. Defendant does not oppose the motion to that extent. The Court will therefore allow the amendment, whether or not it relates back to the original complaint. Should the parties later raise the issue of relation back as material to this case, the Court can then rule on it.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Amend Complaint to Add Additional Party (doc. 16) is granted. In accordance with D. Kan. Rule 15.1, Plaintiff shall electronically file and serve her Amended Complaint **within ten (10) days of the date of this Order.**

Dated this 28th day of September, 2006, in Kansas City, Kansas.

s/ Gerald L. Rushfelt
Gerald L. Rushfelt
United States Magistrate Judge