

GLR/byk

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

KELLIE D. JONES,
et al.,

Plaintiffs,

CIVIL ACTION

v.

No: 06-2131-KHV-GLR

WICHITA STATE UNIVERSITY,
et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiffs' Motion to Amend Complaint (doc. 8). Plaintiffs seek leave to amend their Complaint pursuant to Fed. R. Civ. P. 15(a) and to add a party pursuant to Fed. R. Civ. P. 20(a). Specifically, they request that Cynthia Martinez be added as a plaintiff. In support of their motion, Plaintiffs state that Ms. Martinez recently received her notice of right-to-sue and that she must be allowed to join Plaintiffs to ensure that liability is justly applied. Defendants oppose the motion. They argue that Plaintiffs have failed to meet their burden for permissive joinder under Fed. R. Civ. P. 20.

Federal Rule of Civil Procedure 20(a) governs permissive joinder of parties. Under that Rule, "all persons may be joined in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of, or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action." The purpose of Rule 20(a) is "to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple

lawsuits.”¹ Rule 20(a) is to be construed broadly and “joinder of claims, parties, and remedies is strongly encouraged.”²

Defendants are correct that Plaintiffs’ motion does not expressly address the two factors required by Rule 20(a) for permissive joinder of plaintiffs, i.e., that Ms. Martinez’s cause of action arises out of the same transaction or occurrence and that common questions of law or fact will arise in the action. The Court, however, notes Plaintiffs’ proposed Second Amended Complaint, attached to their motion. Based on the allegations in the proposed Second Amended Complaint, the Court finds that Plaintiffs have sufficiently shown that Ms. Martinez’s cause of action arises out of the same series of transactions or occurrences as theirs and that common questions of law or fact will arise in the action. Like Plaintiffs, Ms. Martinez was a female Wichita State University police officer who filed a complaint with the EEOC and alleged that supervisors sexually harassed her. Ms. Martinez makes similar sexual harassment allegations against the same supervisor as plaintiff Shala Perez-Trumbo. The Court therefore finds that Plaintiffs have established under Rule 20(a) that Ms. Martinez asserts a right to relief arising out of the same transaction, occurrence, or series of transactions or occurrences as Plaintiffs and that common questions of law or fact will arise in the action. Plaintiffs have therefore established the requirements for permissive joinder of Ms. Martinez under Rule 20(a).

¹*DIRECTV, Inc. v. Barrett*, 220 F.R.D. 630, 631 (D. Kan. 2004).

² *Biglow v. Boeing Co.*, 201 F.R.D. 519, 520 (D. Kan. 2001) (quoting *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966)).

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Amend Complaint (doc. 8) is granted. **Within ten (10) days of the date of this Order**, Plaintiffs shall electronically file and serve their Second Amended Complaint.

Dated in Kansas City, Kansas on this 8th day of August, 2006.

s/ Gerald L. Rushfelt

Gerald L. Rushfelt
United States Magistrate Judge

cc: All counsel and *pro se* parties