

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HOBART TRANSPORTATION CO.,
INC.,

Plaintiff,

v.

Case No. 07-4036-JAR

WILLIAM THOMPSON,

Defendant.

ORDER GRANTING MOTION FOR LEAVE TO AMEND

This matter comes before the court upon plaintiff's unopposed Motion for Leave to Amend [Complaint] (Doc. 13). Fed. R. Civ. P. 15 controls the procedure for amending pleadings. Rule 15 states in relevant part:

"A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served...Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires."¹

The court notes that defendant has not yet served its answer in this case. Therefore, the court finds that amendment appears proper, as plaintiff is entitled to amend its complaint "once as a matter of course at any time before a responsive pleading is served[.]" Therefore, upon reviewing plaintiff's motion for leave to amend in this case, the court finds that amendment appears proper and sufficient cause exists that plaintiff's motion be granted. Accordingly,

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to Amend

¹Fed. R. Civ. P. 15(a).

[Complaint] (Doc. 13) is hereby granted.

IT IS FURTHER ORDERED that the Clerk's Office is directed file plaintiff's Amended [Complaint], attached as Exhibit 1 to Doc. 13, as a separate document in this case.

IT IS SO ORDERED.

Dated this 23rd day of May, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge