

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HOBART TRANSPORTATION
CO., INC.,

Plaintiff,

v.

Case No. 07-4036-JAR

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter comes before the court upon plaintiff's Motion for Leave to Amend Complaint (Doc. 20). The court has contacted counsel for defendant who has indicated that defendant has no objection to plaintiff's motion.

Fed. R. Civ. P. 15(a) governs amendment of pleadings. Ordinarily, leave to amend will be freely granted absent a showing of undue delay, undue prejudice to the non-moving party as a result of the amendment, bad faith, or the futility of the amendment.¹ After careful consideration of these factors, the court fails to find any undue delay, prejudice, bad faith, or futility in granting plaintiff's motion.

Therefore, the court finds that plaintiff's Motion for Leave to Amend Complaint (Doc. 20) should be granted.

IT IS THEREFORE ORDERED that plaintiff's unopposed Motion for Leave to Amend Complaint (Doc. 20) is hereby granted.

¹ *Foman v. Davis*, 371 U.S. 178, 182 (1962). *See also, Stewart v. Bd. of Comm'rs for Shawnee County, Kan.*, 216 F.R.D. 662, 664 (D. Kan. 2003).

IT IS SO ORDERED.

Dated this 10th day of August, 2007, at Topeka, Kansas.

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