

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TERRY A. CARTER

Plaintiff,

v.

Case No. 07 -4063-JAR

AMERICAN EAGLE OUTFITTERS, INC.;
now known as AE RETAIL WEST LLC, and their
PREDECESSORS, SUCCESSORS,
ASSIGNS AND ANYONE WHO EMPLOYED
PLAINTIFF AND FIRED HER ON OR ABOUT
MAY 24, 2005.

Defendant.

ORDER

This matter comes before the court upon plaintiff's Motion to Substitute Defendant (Doc. 8). Essentially, plaintiff seeks leave to amend her complaint in order to substitute a defendant. The present motion indicates that said substitute defendant does not oppose the relief requested.

Fed. R. Civ. P. 15 controls the procedure for amending the pleadings. Rule 15(a) states, in pertinent part, that after a responsive pleading: "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 In considering whether to grant leave to amend, the court evaluates several factors including whether the amendment will cause undue delay or prejudice to the non-moving party.² As defendant does not object to the present motion, the amendment should not cause

¹Fed. R. Civ. P. 15(a).

² *Little v. Reed-Prentice Div. Of Package Mach. Co.*, 131 F.R.D. 591, 593 (D. Kan. 1990) (citations omitted).

defendant prejudice.

Accordingly, and for good cause shown,

IT IS THEREFORE ORDERED that plaintiff's Motion to Substitute Defendant (Doc. 8) is granted. The court directs the Clerk to file Attachment 1 to Doc. 8 as plaintiff's Second Amended Complaint.

IT IS SO ORDERED.

Dated this 25th day of June, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
Honorable K. Gary Sebelius
United States Magistrate Judge