

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

MELVIN DAVID GROSSMAN,

Plaintiff,

v.

L.G. BARCUS AND SONS, INC.,

Defendant.

Case No. 15-9173-CM-GLR

MEMORANDUM & ORDER

This case is before the Court on Plaintiff's Motion for Leave to Amend the Complaint (ECF 8). Plaintiff filed his Complaint (ECF 1) on July 15, 2015. Defendant filed its Answer (ECF 7) on August 20, 2015. Plaintiff filed the present Motion on August 31, 2015. Defendant has not filed a response to Plaintiff's Motion, and the time to respond has expired. The Court is thus prepared to rule on Plaintiff's Motion.

Fed. R. Civ. P. 15(a)(1)(B) permits a party to amend its pleading as a matter of course, "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after the service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Defendant's Answer is a responsive pleading. Plaintiff's Motion for Leave to Amend was filed only eleven days after Defendant filed its Answer; Plaintiff is therefore within his right to amend the complaint as a matter of course under Fed. R. Civ. P. 15(a)(1)(B).

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Amend the Complaint (ECF 8) is granted.

Dated this 6th day of October, 2015, at Kansas City, Kansas.

S/Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge