

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

LESLIE MAYER,

*Plaintiff,*

vs.

Case No. 16-1095-EFM-GEB

WEIGAND-OMEGA MANAGEMENT,  
INC.,

*Defendant.*

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**MEMORANDUM AND ORDER**

Acting pro se, Plaintiff Leslie Mayer filed a complaint alleging various claims against her former employer, Defendant Weigand-Omega Management, Inc. She alleges discrimination based on gender, national origin, race, color, religion, age, and disability. She also claims that Weigand-Omega unlawfully retaliated against her, failed to accommodate her disability, interfered with her ability to take leave, failed to accommodate her worker's compensation claim, and allowed her to be assaulted. The handwritten complaint is difficult to follow and fails to provide detailed explanations of Mayer's claims.

Weigand-Omega filed a motion to dismiss under Rule 12(b)(6), arguing that Mayer fails to state claims upon which relief may be granted (Doc. 9). Alternatively, Weigand-Omeage asks for an order directing Mayer to make a more definitive statement of her claims. Since filing her initial complaint, Mayer has obtained counsel. And through her counsel, she filed a

memorandum in response to Weigand-Omega's motion (Doc. 17). In that response, Mayer acknowledges that the original complaint is deficient, and seeks leave to file her First Amended Complaint. Mayer also withdraws her claims of discrimination based on religion, national origin, age, race, and color. The proposed First Amended Complaint alleges one count of gender discrimination, one count of discrimination in violation of the ADA, and three counts of unlawful retaliation. Weigand-Omega did not respond to Mayer's memorandum and request for leave to file an amended complaint.

"The Court should freely give leave [for parties to amend their pleadings] when justice so requires."<sup>1</sup> Mayer initially brought this action pro se, and filed a deficient complaint. However, she has since obtained counsel and now her claims are stated with much more particularity. And although Weigand-Omega moved to dismiss all of Mayer's claims, it alternatively sought a more definitive statement of her claims. Mayer's First Amended Complaint disposes of some of Mayer's initial claims and provides a more detailed explanation of those claims she still wishes to pursue.

Because Mayer has obtained counsel and seeks to file a more focused, detailed complaint, the Court grants her motion for leave to file her First Amended Complaint and denies Weigand-Omega's motion to dismiss as moot.

**IT IS THEREFORE ORDERED** that Defendant Weigand-Omega Management's Motion to Dismiss (Doc. 9) is **DENIED AS MOOT**.

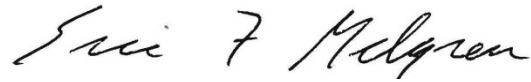
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<sup>1</sup> Fed. R. Civ. P. 15(a)(2).

**IT IS FURTHER ORDERED** that Plaintiff Leslie Mayer's Motion for Leave to File First Amended Complaint (Doc. 17) is **GRANTED**. The amended pleading shall be filed, in the form attached to Mayer's motion within 14 days of this order.

**IT IS SO ORDERED.**

Dated this 16<sup>th</sup> day of December, 2016.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE