

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

PROVINE HATCH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-2490-JWL-GEB
)	
AXIOM PROPERTY MANAGEMENT, LLC,)	
)	
Defendant.)	
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ORDER

This matter is before the court on Plaintiff’s Motion for Leave to File a First Amended Complaint (**ECF No. 13**). Plaintiff filed the motion on June 7, 2019, making any response to the motion due on June 21, 2019. No response in opposition has been filed. Therefore, the motion is uncontested and may be granted without further notice pursuant to D. Kan. Rule 7.4. Additionally, in its discretion, the Court finds the balance of factors weigh in favor of amendment as analyzed under Fed. R. Civ. P. 15(a)(2), and justice requires amendment.¹

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Leave to File a First

¹ The court considers a number of factors in deciding whether to allow an amendment, including timeliness, prejudice to the other party, bad faith, and futility of amendment. *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)); see also *Monge v. St. Francis Health Ctr., Inc.*, No. 12–2269–EFM–JPO, 2013 WL 328957, at *2 (D. Kan. Jan. 10, 2013), *report and recommendation adopted*, 2013 WL 328986 (D. Kan. Jan. 29, 2013). Rule 15(a)(2) provides leave “shall be freely given when justice so requires,” and the decision to allow an amendment is within the sound discretion of the court. See *J. Vangel Elec., Inc. v. Sugar Creek Packing Co.*, No. 11–2112–EFM, 2012 WL 5995283, at

Amended Complaint (**ECF No. 13**) is **GRANTED**. Plaintiff shall file his First Amended Complaint no later than **July 8, 2019**.

IT IS FURTHER ORDERED that, given the addition of parties to this action through the Amended Complaint, the Court anticipates setting a status conference to address modifications to the schedule after all newly-named defendants have entered the case.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 24th day of June, 2019.

/s Gwynne E. Birzer
GWYNNE E. BIRZER
United States Magistrate Judge

*2 (D. Kan. Nov. 30, 2012) (citing *Panis v. Mission Hills Bank*, 60 F.3d 1486, 1494 (10th Cir. 1995)).