

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

<b>MICHAEL FARRIS, M.D.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 19-2060-HLT-GEB</b>
	)	
<b>LABETTE COUNTY MEDICAL CENTER,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on Defendant Labette County Medical Center d/b/a Labette Health’s motion for leave to amend its Answer (**ECF No. 63**). As noted in the motion, Plaintiff consents to the motion and under Fed. R. Civ. P. 15(a)(2) it may be granted without further notice.

Additionally, in its discretion, the Court finds good cause for the motion made after the scheduling order deadline under Fed. R. Civ. P. 16, and finds the balance of factors weigh in favor of amendment as analyzed under Fed. R. Civ. P. 15(a)(2), and justice requires amendment.<sup>1</sup>

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<sup>1</sup> 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 \*2 (D. Kan. Nov. 30, 2012) (citing *Panis v. Mission Hills Bank*, 60 F.3d 1486, 1494 (10th Cir. 1995)).

**IT IS THEREFORE ORDERED** that Defendant Labette County Medical Center d/b/a Labette Health's motion for leave to amend its Answer (**ECF No. 63**) is **GRANTED**. Defendant shall file his First Amended Answer no later than **March 15, 2021**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 1st day of March, 2021.

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