IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BANK MIDWEST, A DIVISION OF NBH,   )
)
            Plaintiff,   )
)
v.   )   **Case No. 19-2560-JAR-GEB**
)
R.F. FISHER ELECTRIC COMPANY, LLC, *et al.*,)
)
            Defendants.   )
)

ORDER

This matter is before the Court on Receiver Michael L. Staheli's motion for leave to amend his pleadings to bring a third-party complaint against certain I.B.E.W. Local Union No. 124 and other fringe benefit funds. (**ECF No. 110.**) The motion was filed January 13, 2022, making any response deadline January 27, 2022. No response has been filed, and the Court may grant the motion as uncontested without further notice pursuant to D. Kan. Rule 7.4(b).

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]

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[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 *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 Receiver Michael L. Staheli's motion for leave to amend his pleadings (**ECF No. 110**) is **GRANTED**. The Receiver shall file his amended pleading not later than **14 days following entry of this Order.**

IT IS SO ORDERED.

Dated at Wichita, Kansas this 28th day of January, 2022.

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