

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

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| <b>DALLAS RATLIFF,</b>          | ) |                                 |
|                                 | ) |                                 |
| <b>Plaintiff,</b>               | ) |                                 |
|                                 | ) |                                 |
| <b>v.</b>                       | ) | <b>Case No. 20-2483-SAC-GEB</b> |
|                                 | ) |                                 |
| <b>AT&amp;T SERVICES, INC.,</b> | ) |                                 |
|                                 | ) |                                 |
| <b>Defendant.</b>               | ) |                                 |
| <hr/>                           | ) |                                 |

**ORDER**

This matter is before the Court on Plaintiff Dallas Ratliff’s motion for leave to file a Second Amended Complaint (**ECF No. 29**). As noted in the motion, after Plaintiff’s inquiry, Defendant’s counsel did not respond with its position on amendment. However, the motion was filed May 13, 2021, making Defendant’s response deadline May 27, 2021. 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.<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 Plaintiff Dallas Ratliff's motion for leave to file a Second Amended Complaint (**ECF No. 29**) is **GRANTED**. Plaintiff shall file its Second Amended Complaint no later than **June 11, 2021**.

**IT IS SO ORDERED.**

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

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