

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

**REGAN HODGES, as representative heir at)
Law; and as the Administrator of the)
ESTATE OF TIMOTHY HUNT, deceased,)**

Plaintiff,)

v.)

Case No. 21-1090-EFM-GEB

**WALINGA USA INC. and)
WALINGA INC.,)**

Defendants.)

ORDER

This matter is before the Court on Defendants’ Motion for Leave to File a First Amended Answer to Plaintiff’s Second Amended Petition. (**ECF No. 48.**) The motion was filed February 18, 2022, making Plaintiff’s response deadline March 4, 2022. No response was 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

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 Defendants' Motion for Leave to File a First Amended Answer to Plaintiff's Second Amended Petition (**ECF No. 48**) is **GRANTED**. Defendants shall file their First Amended Answer no later than **March 16, 2022**.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 7th day of March, 2022.

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