

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

STARR HOMES LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-2031-EFM-GEB
)	
ALLEN SCHLUP, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on Plaintiff Starr Homes LLC’s motion for leave to amend its Complaint for Copyright Infringement. (**ECF No. 50.**) The motion was filed August 20, 2021, making Defendants’ response deadline September 3, 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.¹

IT IS THEREFORE ORDERED that Plaintiff Starr Homes LLC’s motion for

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)).

leave to amend its Complaint for Copyright Infringement (**ECF No. 50**) is **GRANTED**.

Plaintiff shall file its First Amended Complaint no later than **September 22, 2021**.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 15th day of August, 2021.

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