

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THURSTON FOODS, INC.,
Plaintiff,

3:15cv14 (WWE)

v.

WAUSAU BUSINESS INSURANCE
COMPANY,
Defendants.

ORDER ON PLAINTIFF'S MOTION TO AMEND

In this action, plaintiff Thurston Foods seeks to recover benefits under a commercial property insurance policy issued by defendant Wausaw Business Insurance Company.

Federal Rule of Civil Procedure 15(a) instructs that courts “should freely give leave” to amend a complaint “when justice so requires.” Fed. R. Civ. P. 15(a). As the Supreme Court has held, “[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” Foman v. Davis, 371 U.S. 178, 182 (1962). A district court may deny leave for “good reason” such as futility, bad faith, undue delay, or undue prejudice to the opposing party, but “outright refusal to grant the leave without any justifying reason for the denial is an abuse of discretion.” McCarthy v. Dun & Bradstreet Corp., 482 F.3d 184, 200-01 (2d Cir. 2007).

Plaintiff requests to amend the complaint to clarify the names of the three Safeco companies doing business in Connecticut, which would then facilitate the defendant's ability to respond to a discovery request. Plaintiff has submitted a redlined version of

the proposed amended complaint. Upon review, the Court finds that good cause exists to allow the amendment, which will not unduly prejudice defendant or delay this action.

Accordingly, the Court GRANTS the Motion for Leave to Amend [doc. 144]. Plaintiff is instructed to efile the amended complaint within five days of this ruling's filing date.

Dated this __14th__ day of September, 2017, at Bridgeport, Connecticut.

/s/Warren W. Eginton
WARREN W. EGINTON
SENIOR U.S. DISTRICT JUDGE