

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

RAJESH PATEL, CHARULATA PATEL,	)	
ROBERT MURPHY, and GEORGIA	)	Case No. CV-07-474-S-BLW
MURPHY,	)	
	)	<b>MEMORANDUM</b>
Plaintiffs,	)	<b>DECISION AND ORDER</b>
	)	
v.	)	
	)	
TRICIA A. CALLES, RANDAL L.	)	
CALLIES, and AURORESKY	)	
INVESTMENTS, LLC,	)	
	)	
Defendants.	)	
_____	)	

**INTRODUCTION**

The Court has before it Plaintiffs' Motion for Leave to File First Amendment to Complaint (Docket No. 29). For the reasons expressed below, the Court will grant the motion.

**ANALYSIS**

Federal Rule of Civil Procedure 15(a)(2) governs amended pleadings, allowing a party to amend its pleading "with the opposing party's written consent or the court's leave." *Id.* Where the decision of whether to grant leave is left to the court, "[t]he court should freely give leave when justice so requires." *Id.* The language in Rule 15(a)(2) places a presumption in favor of granting leave to

amend, only denying the motion where “there is a substantial reason,” such as undue delay, bad faith, dilatory motive, or undue prejudice to the opposing party. *Martin’s Herend Imports, Inc. v. Diamond & Gem Trading United States of America Co.*, 195 F.3d 765, 770 (5th Cir. 1999) Otherwise, “the discretion of the district court is not broad enough to permit denial.” *Id.* (citing *Dussouy v. Gulf Coast Inv. Corp.*, 660 F. 2d 594, 597 (5th Cir. 1981)).

Defendants in this case have not objected for any of the substantial reasons listed above. Furthermore, because it has not been raised by the Defendants, this Court will not address any futility arguments. Related arguments, if they exist, may be fully briefed by Defendants in subsequent motions to dismiss.

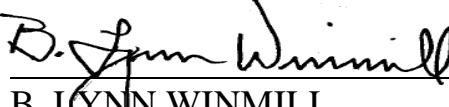
### **ORDER**

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the Plaintiffs’ Motion for Leave to File First Amendment to Complaint (Docket No. 29) shall be GRANTED.



DATED: **April 22, 2008**

  
B. LYNN WINMILL  
Chief Judge  
United States District Court