

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

RACHEL STAPLES,

Plaintiff,

v.

OUTSOURCE RECEIVABLES  
MANAGEMENT,

Defendant.

Case No.4:12-cv-00014-BLW

**MEMORANDUM DECISION AND  
ORDER**

The Court has before it Plaintiff's Motion to Amend the Complaint (Dkt. 26). Plaintiff asks to file an amended complaint adding state law claims. Federal Rule of Civil Procedure 15(a)(1) allows a party amend her pleading once as a matter of course within 21 days after serving it. It is not patently clear when the complaint was served, but it appears the motion to amend was filed within 15 days.

Regardless, even where the motion to amend is filed outside the 21 days, the Court "should give leave when justice so requires." Fed. R. Civ. P. 15(2). Here, defendant objects to the amendment in a very brief response, making essentially only a blanket assertion that the plaintiff lacks jurisdiction over the state law claims and lacks jurisdiction under 28 U.S.C. 1337. This is insufficient for the Court to adequately address

the argument. Accordingly, the Court finds that justice requires granting the motion. The jurisdiction issue can be better addressed on a motion to dismiss if the defendant wishes to pursue the argument.

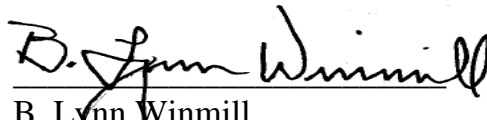
**ORDER**

**NOW THEREFORE IT IS HEREBY ORDERED:**

- 1) Plaintiff's Motion to Amend The Complaint (Dkt. 26) is **GRANTED**. The Amended Complaint attached to the motion to amend is deemed filed as of the date of this Order.



DATED: January 21, 2014

  
B. Lynn Winmill  
Chief Judge  
United States District Court