

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SANDRA JONES,)
)
 Plaintiff,)
)
 v.) Civil Action No. 02-1637-KAJ
)
 STATE OF DELAWARE STATE POLICE,)
 et al.,)
)
 Defendants.)

MEMORANDUM ORDER

This order is directed to plaintiff Sandra Jones’s motion for leave to file a first amended complaint (Docket Item [“D.I.”] 4; the “Motion”) to add certain facts that she believes support her claims against defendants. Ms. Jones filed the Motion on November 19, 2002, the same day as she filed her initial complaint. (D.I. 1.) Defendants answered both the complaint and the amended complaint on January 13, 2003. (D.I. 13.)

Federal Rule of Civil Procedure 15(a) provides that a party may amend its complaint “by leave of court . . . and leave shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). Although the trial court has discretion to grant or deny leave to amend, leave should be freely granted in accordance with Rule 15(a) unless there is an apparent or declared reason for denial. *TruePosition, Inc. v. Allen Telecom, Inc.*, 2002 U.S. Dist. LEXIS 12848 at *3 (D. Del. July 16, 2002) (citing *Foman v. Davis*, 371 U.S. 178, 182, 9 L. Ed. 2d 222, 83 S. Ct. 227 (1962); *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1434 (3d Cir. 1997)). Sufficient reasons include undue delay, bad faith or dilatory motive on the part of the movant, undue prejudice to the

opposing party, and futility of amendment. *Foman*, 371 U.S. at 182.

There is no evidence of undue delay, bad faith or dilatory motive on the part of Ms. Jones because she filed her Motion on the same day as she filed her initial complaint. Furthermore, there is no evidence of prejudice to defendants because they answered both her initial and amended complaint. For these reasons, it is hereby ORDERED that Ms. Jones's Motion (D.I. 4) is GRANTED.

Kent A. Jordan
UNITED STATES DISTRICT JUDGE

Wilmington, Delaware
March 15, 2004