

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**WEST VIRGINIA CITIZENS DEFENSE
LEAGUE, INC.**, a *West Virginia nonprofit
corporation*,

Plaintiff,

v.

Civil Action No. 3:11-CV-5

CITY OF MARTINSBURG, a *West
Virginia municipal corporation*, **GEORGE
KAROS**, personally and in his official
capacity as Mayor of the City of Martinsburg,
MARK S. BALDWIN, personally and in his official
capacity as City Manager of the City of Martinsburg,
and **KEVIN MILLER**, personally and in his official
capacity as Chief of Police of the City of Martinsburg,

Defendants.

**AMENDED ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

On this day, the above-styled matter came before this Court upon consideration of the plaintiff's Motion for Leave to File Amended Complaint [Doc. 23], filed on August 15, 2011. In its Motion, plaintiff seeks leave pursuant to Fed. R. Civ. P. Rule 15(a)(2) to amend their Complaint to add specificity to its allegations in the original Complaint. Plaintiff notes that the legal claims presented in the proposed Amended Complaint are identical to those presented in the original Complaint.

The Court should freely grant leave to amend a complaint when justice so requires. See Fed. R. Civ. P. Rule 15(a)(2). Further, allowing a plaintiff to amend its complaint so as to add specificity to allegations generally will not prejudice a defendant. See **Matrix**


Capital Management Fund, LP v. BearingPoint, Inc., 576 F.3d 172, 195 (4th Cir. 2009) (citing **Edwards v. City of Goldsboro**, 178 F.3d 231, 243 (4th Cir.1999) (noting that merely adding specificity to allegations generally does not cause prejudice to the opposing party) **Davis v. Piper Aircraft Corp.**, 615 F.2d 606, 613 (4th Cir.1980) (“Because defendant was from the outset made fully aware of the events giving rise to the action, an allowance of the amendment could not in any way prejudice the preparation of defendant’s case”)).

Upon careful consideration of the above, and finding no potential for prejudice, this Court is of the opinion that the instant Motion for Leave to File Amended Complaint [**Doc. 23**] should be, and the same is, hereby **GRANTED**. As such, the plaintiff is **DIRECTED** to **REFILE** its proposed Amended Complaint currently filed as Attachment 1 to the instant Motion [Doc. 23-1].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: September 13, 2011.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE