

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

<b>290 PRATT STREET LLC,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>3:05CV489(WWE)</b>
	:	
<b>GENERAL MOTORS CORPORATION,</b>	:	
<b>Defendant/Apportionment</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>PRATT ASSOCIATES LLC,</b>	:	
<b>Defendants.</b>	:	

**RULING ON PLAINTIFF’S MOTION TO AMEND FIRST AMENDED COMPLAINT**

Pending before this Court is the plaintiff’s motion to amend the First Amended Complaint [Doc. #31]. For the following reasons, the plaintiff’s motion will be granted.

A ”party may amend the party’s pleading only by leave of court or by written consent of the adverse party.” Fed. R. Civ. P. 15(a). Leave to amend a complaint shall be given freely when justice so requires, and if the plaintiff has at least colorable grounds for relief, justice does so require unless plaintiff is guilty of undue delay or bad faith or unless permission to amend would unduly prejudice the opposing party. S.S. Silberblatt, Inc. v. East Harlem Pilot Block-Building 1 Housing Development Fund Co., Inc., 608 F.2d 28, 42 (2d Cir. 1979).

The plaintiff represents that it became aware of certain limitations to its claim after reviewing defendant’s motion to dismiss the complaint. The plaintiff now requests to amend its complaint. The proposed second amended complaint will eliminate the

plaintiff's claims for nuisance and negligence, clarify its cause of action for relief pursuant to Connecticut General Statutes § 22a-452, and add a claim for negligence per se.

In light of these changes to the complaint, the Court finds that the interest of justice is best served by allowing plaintiff to amend the complaint. Defendant may then file any appropriate motions to attack the second amended complaint.

### **Conclusion**

For the foregoing reasons, the plaintiff's motion [Doc. #31] is GRANTED. The clerk is instructed to docket the attached amended complaint. Defendant's motion to dismiss [#21] is DENIED without prejudice.

SO ORDERED, this 6th day of February, 2006, at Bridgeport, Connecticut.

\_\_\_\_\_/s/\_\_\_\_\_  
WARREN W. EGINTON  
SENIOR U.S. DISTRICT JUDGE