

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

LILLIAN C. ETTER, individually  
and as Co-Trustee of the  
McClughan Living Trust Dated  
June 29, 2001,

Plaintiff,

v.

CIVIL ACTION NO. 3:06-CV-139  
(BAILEY)

RANDY B. MAZZOTTI, individually  
and as Co-Trustee of the  
McClughan Living Trust Dated  
June 29, 2001, JULIE MAZZOTTI,  
and LACY J. MAZZOTTI,

Defendants.

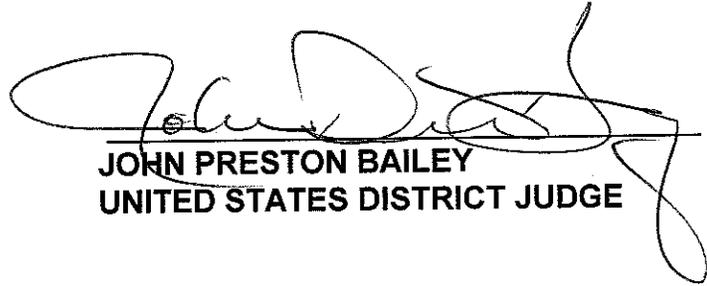
**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE  
TO FILE SECOND AMENDED COMPLAINT**

On this day, the above-styled matter came before the Court upon consideration of Plaintiff's Motion for Leave to File Second Amended Complaint [Doc. 82]. In her motion, the plaintiff seeks leave to file a second amended complaint in order to assert additional cause of action and more specific allegations in support of her various causes of action in light of information recently obtained during the discovery process. Specifically, the plaintiff seeks to add a cause of action for "lack of capacity" based upon the January 21, 2008, Supplemental Letter Report of Dr. Gregory A. Compton. For good cause, and finding no prejudice to the defendants, it is this Court's opinion that the motion [Doc. 82] should be, and is, hereby **GRANTED**. Accordingly, the plaintiff is **ORDERED** to refile her Second Amended Complaint.

It is so **ORDERED**.

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

**DATED:** February 4, 2008.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**