

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**COLLEEN BERTHELOT, ET AL.,**

**CIVIL ACTION**

**VERSUS**

**NO. 05-4182**

**BOH BROTHERS CONSTRUCTION CO.,  
L.L.C., ET AL.**

**SECTION "K"(2)  
CONS. KATRINA CANAL**

**PERTAINS TO: 05-4181**

**ORDER AND REASONS**

Before the Court are "Objections to and Motion to Review Magistrate's Order" (Doc. 202) which was filed with respect to Magistrate Judge Jay Wilkinson's denial of plaintiffs' motion to amend which would represent the twelfth time they have so sought. Having reviewed the pleadings, memoranda and the relevant law, the Court finds no merit in these objections.

As previously noted by Judge Berrigan:

The Federal Rules of Civil Procedure provide that leave to amend pleadings "shall be freely given when justice so requires." Fed.R.Civ.P. 15(a). Leave to amend, however, is by no means automatic. *Little v. Liquid Air Corp.*, 952 F.2d 841, 845-46 (5th Cir.1992), *aff'd*, 37 F.3d 1069 (5th Cir.1994) ( *en banc* ). Leave to amend need not be allowed if plaintiff has engaged in undue delay or dilatory motive or where amendment will result in undue prejudice to the opposing party by virtue of allowance of the amendment. *Id.* at 846. . . . This Court reviews a magistrate judge's denial of a motion for leave to file an amended complaint for an abuse of discretion. *OMP v. Security Pacific Business Finance, Inc.*, 716 F.Supp. 239, 250-51, (N.D.Miss.1988).

*Douglas v. DynMcDermott Petroleum Operations Co.*, 1996 WL 304257, \*1 (E.D.La.1996). For all of the reasons stated by Magistrate Judge Wilkinson, the Court finds there was no abuse of his discretion.

Furthermore, in this consolidated matter, it appears that counsel for plaintiffs has filed another complaint which circumvents the Court's ruling, the appropriateness of which is by no means condoned by this ruling. Accordingly,

**IT IS ORDERED** the "Objections to and Motion to Review Magistrate's Order" (Doc. 202) are **OVERRULED and DENIED** , and the Order on Motion of April 12, 2006 (Doc. 71 in 05-4182) is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the Request for Oral Argument was filed with respect to these objections is **MOOT**.

New Orleans, Louisiana, this 10th day of May, 2006.

  
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**STANWOOD R. DUVAL, JR.**  
**UNITED STATES DISTRICT COURT JUDGE**