

**In the United States Court of Federal Claims**

<hr/>		)	
SENDERO HEALTH PLANS, INC.,	)	)	
	)	)	
Plaintiff,	)	)	
	)	)	No. 17-2048C
v.	)	)	
	)	)	Filed: October 15, 2019
THE UNITED STATES,	)	)	
	)	)	
Defendant.	)	)	
	)	)	
<hr/>	)	)	

**ORDER**

On October 3, 2019, plaintiff filed a motion for leave to file a first amended complaint in the above-captioned matter, pursuant to RCFC 15(a) of the Rules of the United States Court of Federal Claims (“RCFC”). *See generally* Pl. Mot. to Amend. Plaintiff states that the amended complaint would add claims for money damages against the United States arising out of the government’s alleged failure to make certain cost-sharing reduction payments under Section 1402 of the Patient Protection and Affordable Care Act. *Id.* Plaintiff represents that the government does not take a position on this motion. *Id.* at 1.

RCFC 15(a) provides that the Court should freely give leave for a party to file an amended complaint “when justice so requires.” RCFC 15(a)(2). This rule is liberally construed, and courts generally grant leave to amend if there is no “apparent or declared reason” not to permit amendment. *A & D Auto Sales, Inc. v. United States*, 748 F.3d 1142, 1158 (Fed. Cir. 2014) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)); *see also Sonoran Tech. and Prof’l Servs, LLP v. United States*, 133 Fed. Cl. 401, 403 (2017). In contrast, the Court should deny leave to amend a complaint if there is evidence of delay, bad faith, repeated failure to correct a complaint’s deficiencies, undue prejudice to the opposing party, or if the amendment would be futile. *Id.*

In light of the aforementioned standards, the Court **GRANTS** plaintiff’s request for leave to file a first amended complaint. Plaintiff states that the proposed amendments to the complaint will not delay this litigation or prejudice the government, because the government has not yet

answered or otherwise responded to the complaint and this matter is stayed. Pl. Mot. to Amend at 2. And so, in light of the foregoing, and for good cause shown, the Court **GRANTS** plaintiff's motion for leave to file a first amended complaint. Plaintiff shall **FILE** the first amended complaint on or before **October 22, 2019**.

**IT IS SO ORDERED.**

s/ Lydia Kay Griggsby  
LYDIA KAY GRIGGSBY  
Judge