

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:10-CV-28-RLV-DSC**

SHAWN SMITH, <p style="text-align: right;">Plaintiff,</p>)	
)	
v.)	
)	
WAVERLY PARTNERS, LLC, and VANELLA, INC. d/b/a VANELLA BACKGROUND INVESTIGATIONS, <p style="text-align: right;">Defendants.</p>)	<u>ORDER</u>
)	
)	

This matter is before the Court on Plaintiff’s “Motion for Leave to Amend” (document #10). In his Motion, Plaintiff proposes to correctly identify Defendant Vanella, Inc.,¹ to amend Count III from a claim for detrimental reliance to a claim for negligent misrepresentation, and to add a claim under N.C. Gen. Stat. § 75-1.1 for unfair and deceptive trade practices.

Defendant Vanella/AlliedBarton consents to the Motion. Defendant Waverly Partners, LLC has not filed a response to the Motion and the time for filing a brief in opposition has expired.

Upon review and consideration of the Motion, the Court will grant the Motion.

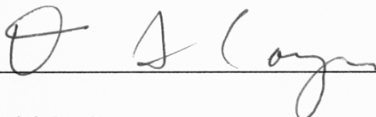
NOW THEREFORE IT IS HEREBY ORDERED that:

1. Plaintiff’s “Motion for Leave to Amend” (document #10) is **GRANTED**. Plaintiff shall file his Second Amended Complaint on or before March 31, 2010.
2. The clerk is instructed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

¹The correct name of the second Defendant is AlliedBarton Security Services, LLC.

SO ORDERED.

Signed: March 22, 2010



David S. Cayer
United States Magistrate Judge

