UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-60423-CIV-ZLOCH

FEDERAL TRADE COMMISSION,
et al.,

Plaintiffs,

vs.

O R D E R

CARIBBEAN CRUISE LINE, INC.,
et al.,

Defendants.
_____/

THIS MATTER is before the Court upon Plaintiff Federal Trade Commission's Motion To Dismiss Counterclaims (DE 24) and Defendants' Response To Plaintiff's Motion To Dismiss Counterclaims (DE 29), which the Court construes as a Motion For Leave To Amend Counterclaims. The Court has carefully reviewed said Motions, the entire court file and is otherwise fully advised in the premises.

In the instant Motion To Dismiss Counterclaims (DE 24), Plaintiff Federal Trade Commission argues that Defendants' five counterclaims should be dismissed. In their Response (DE 29), Defendants seek leave to amend.

Rule 15 of the Federal Rules of Civil Procedure provides that leave to amend a pleading should be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2). The Supreme Court has held that district courts are required to grant such leave to amend in the absence of reasons for denial such as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment,

futility of the amendment, etc." Foman v. Davis, 371 U.S. 178, 182 (1962). The Eleventh Circuit has held that "[u]nless there is a substantial reason to deny leave to amend, the discretion of the district court is not broad enough to permit denial." Epsey v. Wainwright, 734 F.2d 748, 750 (11th Cir. 1984) (quoting Dussouy v. Gulf Coast Investment Corp., 660 F.2d 594, 597 (5th Cir. 1981))(brackets in original). After careful review of the entire record, the Court finds no substantial reason to deny the instant Motion To Amend (DE 29).

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. Plaintiff Federal Trade Commission's Motion To Dismiss Counterclaims (DE 24) be and the same is hereby **DENIED** without prejudice and with leave to refile;

2. Defendants' Response To Plaintiff's Motion To Dismiss Counterclaims (DE 29), which the Court construes as a Motion For Leave To Amend Counterclaims, be and the same is hereby **GRANTED**; and

3. By noon on Friday, April 8, 2016, Defendants be and the same are hereby **DIRECTED** to file their Amended Counterclaims.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 28th day of March, 2016.

WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel of Record