

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BROWN DOG, INC.,

Plaintiff,

v.

THE QUIZNO'S FRANCHISE COMPANY LLC.,

Defendant.

ORDER

04-C-0018-C

Plaintiff Brown Dog, Inc., has filed a motion to amend its complaint. Defendant opposes the motion, arguing that the proposed amendment would be futile.

I am not convinced from my reading of the proposed amendment that it would be futile. At the very least there are factual issues that make it impossible to determine whether defendant is correct.

Because it appears that defendant would not be prejudiced by granting the motion to file an amended complaint, plaintiff's motion is GRANTED.

Entered this 17th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge