

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Fuller v. CMG Trucking, Inc. et al.

Fuller · No. 1:25-cv-02522-TWP-MJD · Decided April 10, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants Azariah Fuller's motion to amend her complaint in an action asserting wage-and-hour claims under the Fair Labor Standards Act and Indiana wage statutes. The court directs the clerk to file the amended complaint, add Michele Fleetwood as a plaintiff, and denies the defendants' pending motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Mark J. Dinsmore
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	April 10, 2026
DOCKET	1:25-cv-02522-TWP-MJD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) to amend her wage-and-hour complaint while defendants' Rule 12(b)(6) motion to dismiss was pending.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a)(2), leave to amend should be freely given when justice so requires; amendment may be denied for undue delay, prejudice, bad faith, dilatory motive, futility, or judicial economy.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motion to amend
- motions to dismiss
- pleadings
- wage and hour
- flsa

PRACTICE AREAS

- civil procedure
- employment law
- wage and hour
- Fair Labor Standards Act

QUESTIONS PRESENTED

1. Whether leave to amend should be granted when the proposed amended complaint adds factual allegations responsive to a pending Rule 12(b)(6) motion.
2. Whether amendment should be denied as futile because defendants contended that the original and proposed complaints failed to state claims under the FLSA and Indiana wage statutes.
3. Whether the pending motion to dismiss should be denied as moot after the amended complaint is filed.

HOLDINGS

1. Leave to amend should be granted because Rule 15(a)(2) generally favors amendment, the proposed amendment adds factual allegations responsive to the motion to dismiss, and the record showed no undue delay, prejudice, bad faith, or improper purpose.
2. Defendants' pending motion to dismiss was denied as moot in light of the filing of the amended complaint.

KEY QUOTATIONS

“Leave to amend a complaint should be freely given “when justice so requires.”” (Section II)

“The Court finds that Plaintiff’s Motion to Amend the Complaint should be granted.” (Section III)

“Plaintiff’s Motion to Amend the Complaint is GRANTED.” (Section IV)

“Defendants’ Motion to Dismiss is DENIED AS MOOT.” (Section IV)

FACTUAL BACKGROUND

Fuller sued her former employer and its owner for allegedly unpaid regular and overtime wages, including time spent on pre-trip and post-trip inspections, fueling, and travel between the company yard and worksites. She asserted an individual and collective FLSA claim and an individual Indiana Wage Claim Statute claim. Her proposed amended complaint added more specific allegations concerning unpaid work and identified particular pay periods in which she allegedly was not paid all overtime wages, while also adding Michele Fleetwood as a plaintiff and an Indiana Wage Payment Statute claim.

PROCEDURAL HISTORY

Azariah Fuller filed suit against CMG Trucking, Inc. and Summer McIntyre under the Fair Labor Standards Act and Indiana wage statutes. Defendants moved to dismiss for failure to state a claim. Before that motion was fully briefed, Fuller moved to amend, proposing to add Michele Fleetwood as a named plaintiff, add an Indiana Wage Payment Statute claim, and plead additional factual allegations. The court granted leave to amend, directed the clerk to file the amended complaint and add Fleetwood, ordered defendants to respond within fourteen days, and denied the pending motion to dismiss as moot.

DISPOSITION

other

CASES CITED

- Knowlton v. City of Wauwatosa, 119 F.4th 507, 519 (7th Cir. 2024)
- Allen v. Brown Advisory, LLC, 41 F.4th 843, 853 (7th Cir. 2022)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Chicago Joe's Tea Room, LLC v. Village of Broadview, 94 F.4th 588, 607 (7th Cir. 2024)
- Barry Aviation Inc. v. Land O'Lakes Municipal Airport Commission, 377 F.3d 682, 687 (7th Cir. 2004)
- Bausch v. Stryker Corp., 630 F.3d 546, 562 (7th Cir. 2010)

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