

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, SOUTHERN DIVISION AT LONDON

**Anthony Svare, individually and on behalf of all others similarly
situated v. PBT Bancord f/k/a "People's Bank & Trust of Hazard", a
Kentucky Corporation**

Svare · No. 6:25-CV-229-KKC · Decided March 6, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants Plaintiff Anthony Svare’s unopposed motion for leave to file a first amended class action complaint. The court finds no undue delay, prejudice, bad faith, repeated failure to cure deficiencies, or futility, and directs the Clerk to docket the tendered amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Southern Division at London
WRITING FOR THE COURT	Karen K. Caldwell
JURISDICTION	United States District Court for the Eastern District of Kentucky, Southern Division at London
DECIDED	March 6, 2026
DOCKET	6:25-CV-229-KKC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a first amended class action complaint. Defendant did not oppose the motion.
STANDARD OF REVIEW	The decision whether justice requires leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the district court's sound discretion.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion to amend
- class actions
- civil procedure
- consumer protection

PRACTICE AREAS

civil procedure

class actions

consumer protection

telemarketing

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a first amended class action complaint.

HOLDINGS

1. Leave to amend should be freely granted when justice so requires, and the court granted Plaintiff's motion because no undue delay or other reason counseled against amendment.

KEY QUOTATIONS

"If the opposing parties do not consent, the court should nevertheless "freely" allow the amendment of pleadings "when justice so requires.""

"Accordingly, allowing Svare leave to file an amended class action complaint is in the interests of justice."

FACTUAL BACKGROUND

Plaintiff sought to revise the allegations and claims in his putative class action based on events that had transpired recently. The proposed amendment would add new plaintiffs and facts, refine the class definitions, and include related state-law telemarketing and privacy claims based on the same facts. The court found no indication of undue delay or any other factor counseling against amendment.

PROCEDURAL HISTORY

Svare sought to amend the complaint to add plaintiffs and factual allegations, refine the Rule 23 class definitions, and add related state-law telemarketing and privacy claims. The court granted leave to amend and directed the Clerk to docket the tendered amended complaint.

DISPOSITION

other

CASES CITED

- Martin v. Browning, 2016 U.S. Dist. LEXIS 44352, at *2 (E.D. Ky. Apr. 1, 2016)
- Moore v. City of Paducah, 790 F.2d 557, 559 (6th Cir. 1986)
- McCoy v. Bd. of Educ., 515 F. App'x 387, 396 (6th Cir. 2013)
- Wade v. Knoxville Utils. Bd., 259 F.3d 452, 458-59 (6th Cir. 2001)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY SOUTHERN DIVISION AT LONDON ANTHONY SVARE, individually and on CASE NO. 6:25-CV-229-KKC behalf of all others similarly situated, Plaintiff, v. OPINION and ORDER PBT BANCORD f/k/a “People’s Bank & Trust of Hazard”, a Kentucky Corporation Defendant. *** *** *** This matter is before the Court on Plaintiff Anthony Svare’s Motion for Leave to File First Amended Class Action Complaint.

(R. 13.) In his motion, Svare seeks permission to amend the complaint to add new plaintiffs and facts, refine the class definitions under Rule 23, and include related state-law telemarketing and privacy claims based on the same facts. (Id.)

The Defendant did not file a response in opposition, and the deadline to do so has expired. Rule 15 of the Federal Rules of Civil Procedure allows a party to amend its pleadings at any time, so long as that party obtains either (1) the opposing parties’ written consent, or (2) the Court’s permission. Fed. R. Civ. P. 15(a)(2). If the opposing parties do not consent, the court should nevertheless “freely” allow the amendment of pleadings “when justice so requires.” Id. “Whether this is an instance where ‘justice so requires’ is a question ‘committed to the district court’s sound discretion.’” *Martin v. Browning*, 2016 U.S. Dist.

LEXIS 44352, at *2 (E.D. Ky. Apr. 1, 2016) (quoting *Moore v. City of Paducah*, 790 F.2d 557, 559 (6th Cir. 1986)). When deciding whether to exercise that discretion, courts should consider whether there was: undue delay in filing, a lack of notice or undue prejudice to the opposing parties, bad faith by party seeking to amend, repeated failure to cure deficiencies by previous amendments, or whether the amendment would be futile.

McCoy v. Bd. of Educ., 515 F. App’x 387, 396 (6th Cir. 2013) (quoting *Wade v. Knoxville Utils. Bd.*, 259 F.3d 452, 458-59 (6th Cir. 2001)). Svare is seeking to revise the allegations and claims in its complaint based on events that have transpired recently, and there is no indication of undue delay or any other factor to counsel against granting leave to amend.

The Court will therefore allow Svare to amend its complaint as requested. Accordingly, allowing Svare leave to file an amended class action complaint is in the interests of justice. The Court hereby ORDERS that Plaintiff's Motion for Leave to File First Amended Class Action Complaint (R. 13) is GRANTED.

The Clerk is DIRECTED to docket the tendered amended class action complaint. This 6 day of March, 2026. Lm Signed By: Says © Karen K. Caldwell AKC “<= —Ss«Unniited States District Judge