

**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

OPINION

Svare

PER CURIAM.

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