IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

|  |  |  |  |
| --- | --- | --- | --- |
| |  | | --- | | {plaintiff\_name},  {plaintiff\_number},  vs.  {defendant\_name},  {defendant\_number}. |   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | )  )  )  )  )  )  )  )  )  )  ) | CASE NO. {case\_number}  **MOTION FOR LEAVE**  **TO FILE AN**  **AMENDED COMPLAINT** |

{county\_name\_allCaps} DIVISION

COMES NOW the plaintiff, who respectfully requests leave to amend {plaintiff\_sex} complaint pursuant to Federal Rule of Civil Procedure 15(a)(2). The plaintiff has consulted with defense counsel, who {defense\_consents} to an amendment.

**FACTUAL BACKGROUND**

**Case specific background**

**LEGAL STANDARD**

Rule 15(a)(2) of the Federal Rules of Civil Procedure allows a party to amend its pleading with the written consent of the opposing party or with the court’s leave. “The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “It is this Circuit’s policy to liberally allow amendment in keeping with the spirit of Federal Rule of Civil Procedure 15(a).” *Galustian v. Peter*, 591 F.3d 724, 729 (4th Cir. 1999) citing *Coral v. Gonse*, 330 F.2d 997, 998 (4th Cir. 1964). In the Fourth Circuit, Rule 15(a) applies to amendments seeking to add parties. *Galustian* at 730. “The Fourth Circuit has held, as have a number of other circuits, that delay alone is not sufficient reason to deny leave to amend. The delay must be accompanied by prejudice, bad faith, or futility.” *Johnson v. Oroweat Food Co*., 785 F.2d 503 (4th Cir. 1986) citing *Davis v. Piper Aircraft Co.*, 615 F.2d 606, 613 (4th Cir. 1980), *cert. dismissed*, 448 U.S. 911, 101 S.Ct. 25, 65 L.Ed.2d 1141 (1980); *accord*, [*United States v. Webb,* 655 F.2d 977, 980 (9th Cir.1981)](https://scholar.google.com/scholar_case?case=16166088679058474676&q=785+F.2d+503&hl=en&as_sdt=6,34); [*Buder v. Merrill Lynch, Pierce, Fenner & Smith,* 644 F.2d 690, 694-95 (8th Cir. 1981)](https://scholar.google.com/scholar_case?case=2011006334279679877&q=785+F.2d+503&hl=en&as_sdt=6,34); [*Cornell & Co. v. Occupational Safety & Health Comm’n,* 573 F.2d 820, 823 (3d Cir. 1978)](https://scholar.google.com/scholar_case?case=3007329922401653501&q=785+F.2d+503&hl=en&as_sdt=6,34).

**ARGUMENT**

**Case specific argument**

**CONCLUSION**

For the foregoing reasons, and since leave to amend should be freely granted, the plaintiff respectfully requests leave to amend the complaint to {reason\_for\_amending\_complaint}

Respectfully Submitted,

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*{s\_attorney\_filing}*

{footer\_attorney\_1\_name\_bar}

{footer\_attorney\_2\_name\_bar} {footer\_attorney\_3\_name\_bar}

{footer\_address\_1}

{footer\_address\_2}

{footer\_telephone}

{footer\_facsimile}

{footer\_attorney\_1\_email}

{footer\_attorney\_2\_email}

{footer\_attorney\_3\_email}

Attorneys for Plaintiff

{footer\_city\_state}

{filing\_date}