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| STATE OF SOUTH CAROLINA  COUNTY OF {county\_name\_allCaps}  {plaintiff\_name},  {plaintiff\_number},  vs.  {defendant\_name},  {defendant\_number}.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | )  )  )  )  )  )  )  )  )  )  )  )  ) | {court\_name\_allCaps}  CASE NO. {case\_number}  **MOTION FOR LEAVE**  **TO FILE AN**  **AMENDED COMPLAINT** |

YOU WILL PLEASE TAKE NOTICE that the plaintiff, by and through {plaintiff\_sex} undersigned attorney, will move at a date and time to be set by the Court for an order setting a hearing on Plaintiff’s Motion to Amend its Complaint as soon as practically possible. The Plaintiff moves this Court for an Order pursuant to Rule 15 of the South Carolina Rules of Civil Procedure giving the Plaintiff leave to amend their Complaint.

Rule 15 (a) of the SCRCP, states that “a party may amend his pleading…by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party.” Our Courts have interpreted this rule liberally. “Leave to amend pleadings pursuant to Rule 15 SCRCP, shall be liberally and freely given when justice so requires and does not prejudice any other party.” *Crestwood Golf Club, Inc. v. Potter*, 328 S.C. 201, 493 S.E.2d 826 (1997); *Pruitt v. Bowers*, 330 S.C. 483, 499 S.E.2d 250 (S.C. App. 1998). “This rule strongly favors amendments and the Court is encouraged to freely grant leave to amend.” *Jarrell v. Seaboard Sys. R.R.*, 294 S.C. 183, 363 S.E.2d 398 (S.C. App. 1987). Rule 15 SCRCP, which governs the amendment of pleadings, strongly favors amendments and the court is encouraged to freely grant leave to amend. *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 607 S.E.2d 711 (Ct. App. 2005). It is well established that a motion to amend a pleading is addressed to the sound discretion of the trial judge. *Duncan v. CRS Sirrine Eng’rs*, 337 S.C. 537, 524 S.E.2d 115 (C. App. 199); see *Berry v. McLeod*, 328 S.C. 435, 492 S.E.2d 794 (Ct. App. 1997) (Courts have wide latitude in amending pleadings).

With regard to the language in Rule 15 that envision prejudice to the adverse party, the prejudice the rule contemplates is “lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it.” *City of North Myrtle Beach v. Lewis-Davis*, 360 S.C. 225, 599 S.E.2d 462 (Ct. App. 2004).

**Amendments being made to the complaint**

The Plaintiffs’ proposed amendments are necessary for the just and equitable pursuit of and trial of this action. Allowing Plaintiff leave to make these amendments is in accord with both the letter and spirit of rule 15 SCRCP and cause no prejudice {to\_the\_Defendants} in this matter.

Respectfully Submitted,

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*{s\_attorney\_filing}*

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Attorneys for Plaintiff

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