

On July 1, 2015, a man was seriously injured when the helicopter he was piloting crashed. The man's attorney diligently investigated and determined that a valve malfunction caused the crash. The attorney contacted the helicopter distributor and requested the name of the company that manufactured the valve in the man's helicopter. The helicopter distributor mistakenly gave the attorney the name of the wrong valve manufacturer.

On June 1, 2017, the man sued the helicopter distributor and the valve manufacturer in federal court to recover \$5 million in damages. On January 3, 2018, the name of the valve manufacturer that actually manufactured the valve in the man's helicopter was revealed during discovery. The same day, the man moved to amend his complaint to substitute the correct valve manufacturer as the defendant. The correct valve company did not receive notice of the man's suit until this time.

The applicable statute of limitations provides: "Any personal injury action shall be brought within two years from the date the alleged injuries occurred. A complaint may be amended to properly name a defendant not identified until after the complaint has been filed if the complaint was filed within the designated limitations period."

May the man amend his complaint?

- A. No, because the correct valve manufacturer did not receive timely notice of the suit.
- B. No, because the statute of limitations has expired.
- C. Yes, because the amendment concerns the same transaction asserted in the original pleading.
- D. Yes, because the amendment is permitted under the relation-back doctrine.

Explanation:

A **pleading** (eg, complaint) cannot be **amended after** the **statute of limitations** has expired unless the **relation-back doctrine** applies. Under this doctrine, an amendment is treated as if it were filed on the same date as the original pleading so that the amendment "relates back" to the date of the original pleading. An amendment that **changes a party** relates back if the applicable **statute of limitations allows**.

Here, the statute of limitations on the man's personal-injury claim expired on July 1, 2017—two years after his alleged injury. He moved to amend his complaint on January 1, 2018—six months after the statute of limitations had expired. But the applicable law allows relation back when the plaintiff made a mistake as to the proper defendant's identity. Therefore, the amendment "relates back" to the date the man's original complaint was filed on June 1, 2017—*before* the statute of limitations expired—and the man may amend his complaint (**Choice B**).

Had the applicable statute of limitations been *silent* about relation back, the amendment would still relate back if:

- the amendment concerned the same transaction or occurrence as the original pleading (**Choice C**)
- the new party received notice of the suit within 90 days after the original pleading was filed (**Choice A**) *and*
- the new party knew or should have known that the suit would have been brought against it but for a mistake concerning the proper party's identity (as seen here).

But this analysis is unnecessary since the applicable law *does* allow relation back under these circumstances.

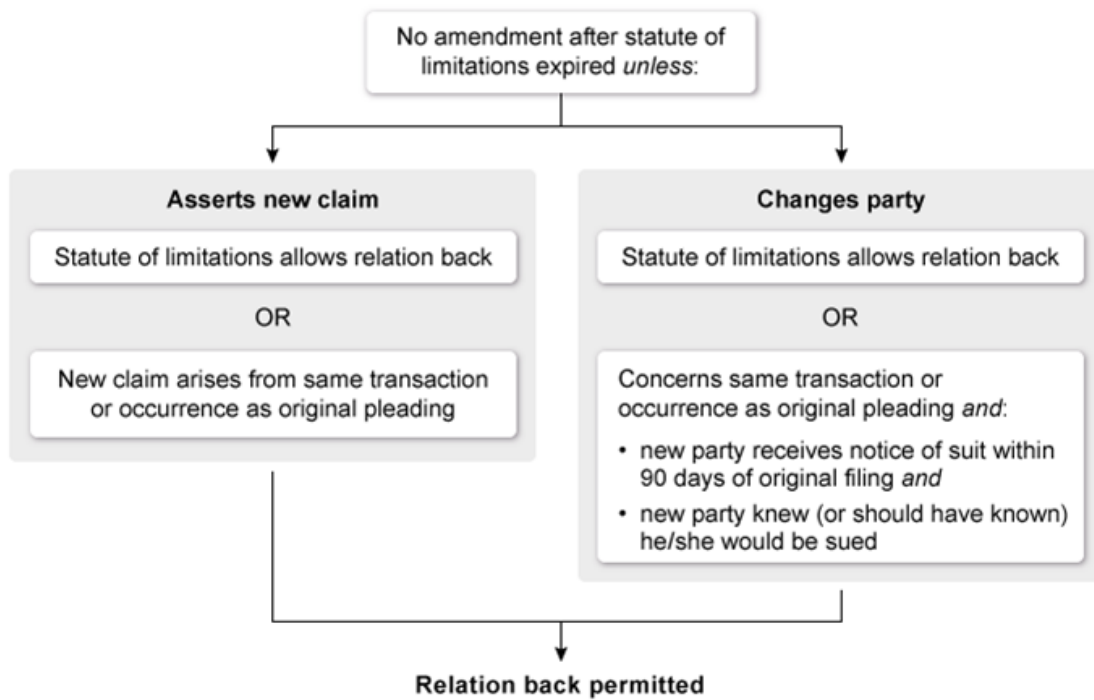
Educational objective:

An amended pleading that changes a party to a lawsuit after the statute of limitations has expired will "relate back" to the date of the original pleading if the statute of limitations allows.

References

- Fed. R. Civ. P. 15(c) (relation back of amended pleadings).

Relation-back doctrine (FRCP 15(c))



FRCP = Federal Rule of Civil Procedure.

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