

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DENISE A. BADGEROW

CIVIL ACTION

VERSUS

NO. 17-9492

REJ PROPERTIES, INC. ET AL.

SECTION "A"(2)

ORDER ON MOTION

APPEARANCES: None (on the record)

MOTION: Plaintiff's Motion for Leave to File an Amended and Supplemental Complaint, Record Doc. No. 68


ORDERED:

XXX: DISMISSED AS MOOT. Plaintiff filed the instant motion on January 8, 2019. Record Doc. No. 68. After an initial round of briefing, Record Doc. Nos. 68, 76, 79, 82, 89-92, 94, 96, oral argument was conducted on February 13, 2019, after which I ordered additional briefing on the following three issues: (1) whether plaintiff's proposed claims are barred by res judicata in light of the FINRA Arbitration award; (2) whether the FINRA Arbitration award is entitled to collateral estoppel effect; and (3) whether plaintiff's justifications for filing the proposed amended complaint after the scheduling order deadline expired demonstrate "good cause" under Fed. R. Civ. P. 16(b)(4). Record Doc. No. 98.

Plaintiff's supplemental memorandum seeks to withdraw her original proposed amended complaint, Record Doc. No. 68-4, and substitute a substantially revised amended complaint, Record Doc. No. 111-1, that withdraws some of her proposed claims and inserts several factual allegations not included in the original proposed amended complaint. See Record Doc. No. 111-5. Filing a revised proposed pleading was not within the scope of my instructions given at oral argument for the parties' additional briefing. Furthermore, plaintiff did not request leave of court to file this revised amended complaint, thus giving defendants no opportunity to contest the revised allegations and factual additions in the proposed pleading. Accordingly, I will not consider plaintiff's revised amended complaint, Record Doc. 111-1, at this time. Based on plaintiff's withdrawal of most the claims asserted in the originally proposed amended complaint and her wish to restructure her proposed amended complaint significantly, the above-referenced motion is dismissed as moot.

If plaintiff wishes to have this court consider her most recent version of a proposed amended complaint, she may file a motion for leave to amend, noticing the motion for submission pursuant to Local Rule 7.2.

New Orleans, Louisiana, this 20th day of March, 2019.



JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE