

Case Name: John Thomas Landers v. CSX Transportation, Inc.

Date Decided: February 11th, 2010

Originally Filed in: New York (State)

Decided by: New York 4th Department (State)

Court: Supreme Court, Appellate Division, Fourth Department, New York

Judge: Judge Greenwood

Citation: 2010 WL 457745 (N.Y.A.D. 4 Dept.)

Background:

Plaintiff, John Thomas Landers, brought this action pursuant to FELA, Federal Employers Liability Act for injuries he allegedly sustained as a result of falling on stairs located at CSX's property. John Landers subsequently moved for leave to amend the complaint by adding an additional defendant and cause of action seeking damages for spinal injuries allegedly caused by long-term exposure to vibration. Defendants asserted that the Supreme Court did not properly exercise its discretion in granting the motion.

Issue:

Did this Court grant the plaintiff's motion for leave to amend his complaint to include an additional defendant and include damages for spinal injuries caused by long-term exposure to vibration?

Overall Issues Discussed or Touched Upon in this Case:

- *Procedural Issues - State*

Held:

This Court recognized that leave to amend a pleading is freely given and the decision to allow or disallow the amendment is left to the court's discretion. A court should not examine the merits or legal sufficiency of the proposed amendment unless the proposed pleading is clearly and patently insufficient on its face. Accordingly, in light of FELA's more lenient standard for determining negligence and causation, this Court found that there was no abuse of discretion in allowing Landers to amend his complaint.

Comments:

It is very common for plaintiff's to change their complaint after initially filing. The need to amend the complaint may arise in many different ways, determining further liability (adding a defendant) or even upon discovery of a medical condition (seeking additional damages). So long as the amended complaint sufficiently states a claim for relief to be granted, and it is filed in a timely manner, Courts usually allow it.

Steve Gordon