

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Will McRaney,

Plaintiff,

v.

The North American Mission Board of the
Southern Baptist Convention, Inc.,

Defendant.

Case No. 1:17-cv-00080-GHD-DAS

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 15(a) and 15(d), Plaintiff moves for leave to amend his complaint, filed in state court more than five and a half years ago, in April 2017. *See* Doc. 1-1. A copy of Plaintiff’s proposed amended pleading is Exhibit 1 to the Motion (the “Amended Complaint”). Plaintiff has not previously amended his complaint.

BACKGROUND

Plaintiff’s 2017 Complaint

In April 2017, Dr. Will McRaney filed a lawsuit in Mississippi state court against the North American Mission Board of the Southern Baptist Convention, Inc. (“NAMB”) (the “2017 Complaint”). The 2017 Complaint was removed by NAMB to federal court. *See* Doc. 1. NAMB filed an answer to the 2017 Complaint in May 2017. *See* Doc. 3. NAMB filed an amended answer in November 2018—which Plaintiff did not oppose. *See* Doc. 47.

The 2017 Complaint makes claims for interference with business relationships, defamation, and intentional infliction of emotional distress, and alleged past and *ongoing* misconduct and harm. *See* Doc. 1-1 (Complaint ¶ XIV: NAMB “*has continued* a course of conduct designed to interfere with the business and contractual relationships of Plaintiff McRaney and various third parties.”) (emphasis added).

Dismissal of Plaintiff’s Lawsuit Against NAMB and Reinstatement by the Fifth Circuit

After McRaney’s state court lawsuit was removed to federal court, NAMB convinced this Court to dismiss the complaint for lack of subject matter jurisdiction. A multi-year appellate process then ensued, during which the Fifth Circuit reversed and reinstated McRaney’s case, and the Supreme Court of the United States denied NAMB’s request for review.

Proceedings in the District Court Since July 2021

More than four years after the 2017 Complaint was filed, the parties returned to this Court, in July 2021, to commence discovery and adjudicate the merits of McRaney's complaint against NAMB.

On August 23, 2021, Magistrate Judge Sanders conducted a case management conference, after which he entered a case management order. *See* Doc. 82. Since issuance of the case management order, the parties have been engaged in written discovery, and two depositions have occurred—one noticed by Plaintiff, and one noticed by Defendant. Plaintiff's expert reports have been served. *See* Doc. 133 & 134. The next depositions requested by Defendant are scheduled for December 6 and 7, 2022. Discovery will conclude on December 30, 2022. *See* Doc. 111. Motions (other than motions *in limine*) must be filed by January 13, 2023. *See* Doc. 111 (extending certain deadlines by 63 days). A jury trial is set for April 10, 2022. *See* Doc. 96.

The Proposed Amended Complaint

The Amended Complaint sets forth no new causes of action. Like the 2017 Complaint, the amended pleading alleges interference with business and contractual relationships; infliction of emotional distress; and defamation.

Like the 2017 Complaint, the amended pleading makes allegations related to (1) Dr. McRaney's termination by non-party BCMD, but (2) also contains allegations concerning NAMB's post-termination conduct. *See* Doc. 1-1 (Complaint ¶ XIV: NAMB “*has continued a course of conduct designed to interfere with the business and contractual relationships of Plaintiff McRaney and various third parties.*”) (emphasis added).

Like the 2017 Complaint, the amended pleading asserts damages for: (1) economic harm, (2) non-economic harm, and (3) punitive damages.

Because the 2017 Complaint was filed more than five and half years ago, it necessarily does not contain allegations based on conduct that occurred after the pleading was filed. The Amended Complaint serves as a supplemental pleading, which Rule 15(d) permits a court to authorize so a plaintiff may set out “any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.”

The Amended Complaint also more clearly delineates the causes of action—which should be useful to the parties and the Court going forward.

ARGUMENT

In accordance with the January 13, 2023 deadline for motions (Doc. 100 & 111), and with Federal Rule of Civil Procedure 15, Plaintiff files this motion to amend his complaint.

A. Rule 15’s Provisions Support Plaintiff’s Motion to Amend the Complaint

The provisions of Federal Rule of Civil Procedure 15, which governs the amendment of pleadings, strongly favor permitting Plaintiff to file the Amended Complaint.

Rule 15(a)(2) provides that a “court should freely give leave [to amend a pleading] when justice so requires.” This Rule “provides extensive leniency toward plaintiffs seeking to amend their complaint.” *Roberson v. McDonald Transit Associates, Inc.*, 2017 WL 2656591 at *3 (N.D. Miss. 2017). As a member of this Court has explained: District Courts “need a substantial reason to deny a party the opportunity to amend.” *Courson v. Cordis Corp.*, 2018 WL 3058867 at *4 (N.D. Miss. 2018); *see also Pate v. Pate*, 2008 WL 4849316 at *1 (N.D. Miss. 2008) (allowing amended complaint to be filed even without a motion to amend, observing that Rule 15 requires that leave to amend “shall be freely given,” and leave should not be denied “without a substantial reason”).

Federal Rule of Civil Procedure 15(d) also supports amendment here. It provides: “On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” As the Advisory Committee Notes (1963) explain, “Rule 15(d) is intended to give the court broad discretion in allowing a supplemental pleading.” This is a quintessential case for the application of Rule 15(d). The 2017 Complaint was filed *more than five and half years ago*. As the Supreme Court has observed, Rule 15(d) “plainly permits supplemental amendments to cover events happening after suit.” *Griffin v. County School Bd. of Prince Edward County*, 377 U.S. 218, 227 (1964); *see also Trepagnier v. Alimak Hek, Inc.*, 2018 WL 8951204 (N.D. Miss. 2018) (granting motion).

B. There Are No Grounds for Refusing Leave to File the Amended Complaint

In light of Rule 15’s permissive approach to the amendment of pleadings, the Fifth Circuit has held that “outright refusal to grant leave to amend without a justification such as ‘undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.’ is considered an abuse of discretion.” *U.S. ex rel. Adrian v. Regents of University of California*, 363 F.3d 398, 403 (5th Cir. 2004) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

Here, there are no grounds for refusing leave to file the Amended Complaint.

For example, permitting Plaintiff to file the Amended Complaint would cause no undue prejudice to NAMB.

- The Amended Complaint contains no new causes of action: like the 2017 Complaint, the only causes of action are for interference with business and contractual relationships; infliction of emotional distress; and defamation.

- The Amended Complaint contains no new categories of asserted damages: like the 2017 Complaint, the damages alleged are for (1) economic harm, (2) non-economic harm, and (3) punitive damages.

The next depositions requested by NAMB are nearly six weeks away—scheduled for December 6 and 7, 2022. NAMB has had the proposed Amended Complaint since October 24, 2022 (*see* Exhibit B to Motion), and will have ample time to prepare for those depositions taking the proposed amended pleading into account, as well as ample time to propound additional written discovery should it wish to do so.

* * * *

For the foregoing reasons, the Motion should be granted.

October 26, 2022

Respectfully Submitted,

Scott E. Gant

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