

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**ROBERT A. SCHWERDTFEGER,** )  
 )  
 Plaintiff, )  
 )  
 V. )  
 )  
**THOMAS J. VILSACK,** )  
 Secretary, United States Department )  
 of Agriculture, )  
 )  
 Defendant. )

Case No. **09-cv-429-MJR-SCW**

**ORDER**

**REAGAN, District Judge:**

Before the Court is Plaintiff Robert A. Schwerdtfeger’s “Proposal to Amend Complaint” (Doc. 39), which the Court construes as a motion to amend the complaint. Plaintiff proposes amending the portion of the complaint alleging a Federal Tort Claim, but he has not submitted a proposed amended complaint setting forth all claims he desires to pursue, as required by Local Rule 15.1.

Defendant objects to any amendment (Doc. 43). Defendant construes Plaintiff’s motion as proposing the addition of claims regarding age discrimination and the mishandling of Plaintiff’s administrative claims. Defendant argues that the Federal Tort Claims Act (in terms of waiving sovereign immunity) does not permit the type of claims for money damages that Plaintiff is proposing. *See 28 U.S.C. §§ 2675(a) and 2680(h)*. Defendant further objects that the motion is untimely.

The fact that Plaintiff has not submitted a proposed amended complaint as required by Local Rule 15.1 is, alone, grounds for denial of the motion. The Court cannot properly evaluate

Plaintiff's proposal based on the vague and confusing single-page document submitted. Moreover, the motion to amend is untimely. The motion was filed February 7, 2011, on the heels of Defendant's motion for summary judgment. Discovery closed December 1, 2010; the dispositive motion deadline was December 15, 2010; and trial is set to commence April 25, 2011. This case was pending for 20 months before Plaintiff sought leave to amend and, from what the Court can discern, the proposed amendment pertains to matters Plaintiff clearly could have raised all along. The Court's crowded trial calendar simply does not permit discovery and motion practice that any new claim(s) would require.

**IT IS THEREFORE ORDERED** that Plaintiff Schwerdtfeger's motion to amend the complaint (Doc. 39 ) is **DENIED**.

**IT IS SO ORDERED.**

**DATED: April 8, 2011**

*s/ Michael J. Reagan*  
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**MICHAEL J. REAGAN**  
**UNITED STATES DISTRICT JUDGE**