

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ROBERT BRADY	*	CIVIL ACTION
VERSUS	*	NO. 23-7005
IAT INSURANCE GROUP	*	SECTION "J" (2)

ORDER AND REASONS

Before me is Plaintiff Robert Brady's Motion to Amend/Correct Case Caption to substitute the proper Defendant, Occidental Fire & Casualty Company of North Carolina, for misidentified Defendant IAT Insurance Group, parent company of Occidental Fire. ECF Nos. 9, 9-1 at 1-2.

Local Rule 7.6 requires a party seeking to amend its pleading to attempt to obtain consent before filing a motion for leave to amend. If consent is not obtained, the party must request leave of court and notice the motion for a submission date. *Id.*; FED. R. CIV. P. 15(a)(2). Plaintiff indicates that Defendant declined to provide consent to amendment, hence he filed a contested motion and accompanying memorandum. ECF No. 9-1 at 2. Plaintiff failed, however, to attach his proposed amended complaint to the motion. This failure precludes consideration of Plaintiff's motion to amend under Rule 15. Further, without the proper substitution of Occidental Fire for IAT in an amended complaint, the former cannot be listed as a party under Rule 10. Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend/Correct Case Caption (ECF No. 9) is DENIED WITHOUT PREJUDICE to his right to re-file the motion, along with a proposed amended complaint, memorandum in support, and notice of submission.

New Orleans, Louisiana, this 30th day of January, 2024.


DONIA PHILLIPS CURRAULT
UNITED STATES MAGISTRATE JUDGE