

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SURRINDER ARORA,

Plaintiff,

Case No. 15-cv-13137

v.

HONORABLE STEPHEN J. MURPHY, III

HENRY FORD HEALTH SYSTEM, et al.,

Defendants.

**ORDER DENYING ARORA'S MOTION FOR
LEAVE TO FILE AMENDED COMPLAINT (document no. 13)
WITHOUT PREJUDICE, AND GRANTING DEFENDANTS' MOTION
TO STRIKE PLAINTIFF'S FIRST AMENDED COMPLAINT (document no. 17)**

Pro se plaintiff Surrinder Arora ("Arora") filed a four-count complaint in Oakland County Circuit Court against Defendants Henry Ford Health System, HFHS Short Term Disability Plan and Long Term Disability Plan, Gerald van Grinsven, Debbie Chapman, and Bea Page (collectively, "HFHS Defendants"), and the Life Insurance Company of North America ("LINA"). Removal, Ex. 1, ECF No. 1. The HFHS Defendants removed the action on September 2, 2015. Before the Court is Arora's Motion for Leave to File Amended Complaint, ECF No. 13, and HFHS Defendants' Motion to Strike Plaintiff's First Amended Complaint and Response in Opposition to Plaintiff's Leave to File an Amended Complaint, ECF No. 17, with which LINA concurred, ECF No. 20.

On October 19, Arora filed a Motion for Leave to File Amended Complaint and minutes later filed a separate First Amended Complaint (Proposed) and Jury Demand, which added new claims of breach of contract, fraud, and conspiracy. ECF Nos. 13 & 14. To the extent that Arora is seeking permission to amend her complaint, her October 19

filing does not comply with Local Rule 15.1. Under Local Rule 15.1, a party who moves to amend a pleading “shall attach the proposed amended pleading to the motion.” E.D. Mich. LR 15.1. The motion must “reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.” *Id.* While procedurally improper, the mistake is not sufficient “grounds for denial of the motion.” *Id.*

Arora — who is proceeding *pro se* — is presumed to have intended the amended complaint as an attachment to her Motion for Leave to File Amended Complaint, and not as an independently-filed amended complaint. Arora nevertheless filed the amended complaint separately on the docket. Accordingly, the Court will deny Arora’s motion for leave to amend without prejudice to renewal in accordance with Fed. R. Civ. P. 15(a) and E.D. Mich. LR 15.1. See *Brown v. Chase Bank, N.A.*, No. 2:12-cv-11440, 2013 WL 1278523, at *8 (E.D. Mich. Jan. 18, 2013), *report and recommendation adopted*, No. 12-11440, 2013 WL 1281919 (E.D. Mich. Mar. 26, 2013). The Court will also grant the Defendants’ Motion to Strike the amended complaint remaining on the docket.

WHEREFORE, it is hereby **ORDERED** that Arora’s Motion for Leave to File Amended Complaint (document no. 13) is **DENIED WITHOUT PREJUDICE TO RENEWAL** in accordance with Fed. R. Civ. P. 15(a) and E.D. Mich. LR 15.1.

IT IS FURTHER ORDERED that Defendants’ Motion to Strike Plaintiff’s First Amended Complaint and Response in Opposition to Plaintiff’s Leave to File an Amended Complaint (document no. 17) is **GRANTED**.

IT IS FURTHER ORDERED that Arora’s Amended Complaint (Proposed) and Jury Demand (document no. 14) be **STRICKEN** from the record.

IT IS FURTHER ORDERED that HFHS Defendants have ten (10) days from the date of this order to respond to Arora's Motion to Remand (document no. 18) and notify the Court why this case should not be remanded for lack of subject matter jurisdiction.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: November 12, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 12, 2015, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager