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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KYKO GLOBAL INC, et al.,

11 Plaintiffs,

12 v.

13 PRITHVI INFORMATION SOLUTIONS
LTD, et al.,

14 Defendants.
15

CASE NO. C13-1034 MJP

ORDER DENYING MOTIONS TO
AMEND ANSWERS WITHOUT
PREJUDICE

16 THIS MATTER comes before the Court on Defendants' Motions to Amend their
17 Answers. (Dkt. Nos. 305, 306.) Having reviewed the Parties' briefing and all related papers, the
18 Court DENIES the motions without prejudice.

19 Through their motions, Defendants seek to clarify their answers to Plaintiffs' complaint
20 and to assert affirmative defenses and counterclaims that "reflect issues actually litigated before
21 this Court." (Dkt. Nos. 305 at 2, 306 at 2.) Neither the substance nor the numbering of the
22 arguments presented by Defendants in their briefs, however, appear to match the proposed
23 answers submitted. (Compare Dkt. Nos. 305-1 at 10, 307-1 at 11-12, with 305 at 6-7, 306 at 7-
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1 12.) The Court is currently unable to determine the factual bases or legal theories behind the
2 proposed amendments, and therefore is unable to determine whether amendment is appropriate.

3 This confusion is compounded by the fact that several proposed affirmative defenses and
4 counterclaims appear to conflict with previous orders issued by the Court, or to be based on a
5 misreading of those orders. For example, proposed affirmative defense K by the partial
6 Vuppalapati Defendants, which asserts that the adversary proceeding was “improperly
7 commenced and should be dismissed as duplicative,” appears to conflict with this Court’s Order
8 on Defendants’ Motion for Summary Judgment, in which the Court rejected a seemingly
9 identical argument and declined to dismiss the adversary proceeding. (See Dkt. No. 297 at 3-6.)
10 Defendant International Business Solutions, Inc.’s proposed affirmative defenses G and H appear
11 to conflict with the same portion of this Court’s prior order. (Id.) The partial Vuppalapati
12 Defendants’ proposed affirmative defense L appears to be asserted by Anandhan Jayaraman in
13 his individual capacity; however, the Court’s previous orders make clear that Mr. Jayaraman,
14 individually, is not a party to this suit. (See Dkt. No. 297 at 6-7.) Proposed affirmative defense J
15 and counterclaims A and B appear to be based on Defendants’ misunderstanding that the Court
16 found the confessions of judgment to be “not final,” a misreading the Court has already
17 addressed. (See Dkt. No. 313.)

18 The Court advises Defendants that a motion to amend cannot be used to relitigate the
19 Court’s conclusions in its Order on Defendants’ Motion for Summary Judgment. However,
20 because the Court is currently unable to determine what argument supports these proposed
21 affirmative defenses and counterclaims, the Court is unable to conclude that they are barred.

22 Accordingly, the Court DENIES Defendants’ Motions without prejudice. (Dkt. Nos. 305,
23 306.) Defendants are granted leave to file renewed motion(s) to amend within **seven (7) days** of
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1 the date of this order that make clear which specific arguments support which specific proposed
2 amendments. The motion(s) must use a clear numbering system that is consistent with the
3 proposed answers submitted.

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5 The clerk is ordered to provide copies of this order to all counsel.

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7 Dated this 8th day of October, 2015.

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11 Marsha J. Pechman
12 Chief United States District Judge
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