

Greeting ~ Please consider the following recommendations for amendments to Rules 15(a)(1) and 12(f).

The proposal below for Rule 15(a) incorporates my prior recommendation for the Rule at 15(a)(1)(B) to accommodate court-ordered extensions of time to respond to a Rule 12 motion. This also adds a new proposed Rule 15(a)(1)(C) to accommodate multiple responding parties.

Rule 15. Amended and Supplemental Pleadings

(a) Amendments Before Trial.

(1) Amending as a Matter of Course.

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or ~~21 days~~ **the time to respond** after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(C) if responsive pleadings are required from multiple parties, 21 days after service of a responsive pleading from the first party to respond or the time to respond after service of the first motion under Rule 12(b), (e), or (f), whichever is earlier.

The proposal below for Rule 12(f) contemplates dilatory and frivolous motions under Rule 12(b) in response to a pleading.

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(f) Motion To Strike.

The court may strike from a pleading **or a motion under Rule 12(b) in response to a pleading** an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

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Thank you for this opportunity.

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