

1 **Rule 15. Amended and supplemental pleadings.**

2 **(a) Amendments before trial.**

3 ~~(a)(1) A party may amend his-its pleading once as a matter of course at any time before a~~
 4 ~~responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted~~
 5 ~~and the action has not been placed upon the trial calendar, he may so amend it at any time within:~~

6 (a)(1)(A) 21 days after serving it is served; or

7 (a)(1)(B) if the pleading is one to which a responsive pleading is required, 21 days after
 8 service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),
 9 whichever is earlier.

10 ~~(a)(2) Otherwise~~ In all other cases, a party may amend his-its pleading only by leave of with the
 11 court's permission or by written consent of the adverse party; and leave shall be freely given
 12 opposing party's written consent. The party must attach its proposed amended pleading to the motion
 13 to permit an amended pleading. The court should freely give permission when justice so requires.

14 ~~(a)(3) A party shall plead in response to an amended pleading. Any required response to an~~
 15 ~~amended pleading must be filed within the time remaining for response to respond to the original~~
 16 ~~pleading or within 14 days after service of the amended pleading, whichever period may be the~~
 17 ~~longer, unless the court otherwise orders is later.~~

18 **(b) Amendments ~~to conform to the evidence~~ during and after trial.**

19 ~~(b)(1) When an issues not raised by in the pleadings are is tried by the parties' express or implied~~
 20 ~~consent of the parties, they shall it must be treated in all respects as if they had been raised in the~~
 21 ~~pleadings. Such amendments of the pleadings as may be necessary to cause them to conform to the~~
 22 ~~evidence and to raise these issues may be made upon motion of any party at any time, even after~~
 23 ~~judgment; but~~ A party may move—at any time, even after judgment—to amend the pleadings to
 24 conform them to the evidence and to raise an unpleaded issue. But failure so to amend does not
 25 affect the result of the trial of these that issues.

26 ~~(b)(2) If, at trial, a party objects that evidence is objected to at the trial on the ground that it is not~~
 27 ~~within the issues made by raised in the pleadings, the court may allow permit the pleadings to be~~
 28 ~~amended when the presentation of the merits of the action will be subserved thereby. The court~~
 29 ~~should freely permit an amendment when doing so will aid in presenting the merits and the objecting~~
 30 ~~party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining~~
 31 ~~his that party's action or defense upon the merits. The court shall may grant a continuance, if~~
 32 ~~necessary, to enable the objecting party to meet such the evidence.~~

33 **(c) Relation back of amendments.** ~~Whenever~~ An amendment to a pleading relates back to the date
 34 of the original pleading when:

35 (c)(1) the law that provides the applicable statute of limitations allows relation back;

36 ~~(c)(2) the claim or defense asserted in the amended pleading~~ the amendment asserts a claim or
37 defense that arose out of the conduct, transaction, or occurrence set forth out—or attempted to be set
38 forth out—in the original pleading; the amendment relates back to the date of the original pleading; or

39 (c)(3) the amendment changes the party or the naming of the party against whom a claim is
40 asserted, if paragraph (c)(2) is satisfied and if, within the period provided by Rule 4(b) for serving the
41 summons and complaint, the party to be brought in by amendment:

42 (c)(3)(A) received such notice of the action that it will not be prejudiced in defending on the
43 merits; and

44 (c)(3)(B) knew or should have known that the action would have been brought against it, but
45 for a mistake concerning the proper party's identity.

46 **(d) Supplemental pleadings.** ~~Upon~~ On ~~motion of a party and reasonable notice,~~ the court may, ~~upon~~
47 ~~reasonable notice and upon such terms as are on~~ just terms, permit ~~him~~ a party to ~~serve~~ file a
48 supplemental pleading setting ~~forth out~~ any transactions, or occurrences, or events which have that
49 happened since after the date of the pleading sought to be supplemented. ~~Permission may be granted~~
50 The court may permit supplementation even though the original pleading is defective in ~~its statement of~~
51 stating a claim for relief or defense. If the court deems it advisable that the adverse ~~The court may order~~
52 that the opposing party plead to the supplemental pleading, it shall so order, specifying the time therefor
53 within a specified time.

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