

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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IN RE: CASE NO. 04-95688  
Fred William Brown, III,  
Debtor. CHAPTER 7  
JUDGE MASSEY  
\_\_\_\_\_| |

Janet C. Truslow and Susan Greene,  
Plaintiffs,  
v. ADVERSARY NO. 04-9210  
Fred William Brown, III,  
Defendant.  
\_\_\_\_\_| |

ORDER DENYING MOTION TO AMEND COMPLAINT

On July 17, 2005, Plaintiffs filed a motion to amend the complaint in this adversary proceeding on the ground that Defendant failed to produce documents in compliance with orders entered in the main bankruptcy case with respect to discovery sought pursuant to Bankruptcy Rule 2004. Plaintiffs had obtained orders authorizing a Rule 2004 examination several weeks prior to their commencing this adversary proceeding on December 20, 2004. The orders in question were entered several months later.

Civil Rule 15, made applicable by Bankruptcy Rule 7015, provides that leave to amend a pleading should be “freely given when justice so requires.” This broad language often leads to granting such motions. There are limits, however. Motions to amend are properly denied if the

amendment would be “futile” or would prejudice the defendant. *E.g., Burger King Corp. v. Weaver*, 169 F.3d 1310, 1320 (11th Cir. 1999); *Thomas v. Town of Davie*, 847 F.2d 771, 774 (11th Cir. 1988). In this instance, the Court cannot determine whether granting the motion would be in the interests of justice because Plaintiffs have not filed with their motion or otherwise a copy of the proposed amendment. The motion to amend gives no clue about the subject matter of the proposed amendment and how it relates to the failure to produce documents, which is the only ground stated for granting the motion. For these reasons, it is

ORDERED that Plaintiff’s motion for leave to amend the complaint is DENIED without prejudice.

Dated: August 22, 2005.

  
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JAMES E. MASSEY  
U.S. BANKRUPTCY JUDGE