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June 2, 2017

**VIA ECF FILING**

The Honorable Esther Salas  
United States District Court for the District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Room 4015  
Newark, NJ 07101

**Re: *Williams v. Litton Loan Servicing, et al.*, Case 2:16-cv-05301-ES-JAD  
Defendants' Response to Plaintiff's Improper Amended Complaint**

Dear Judge Salas:

This office represents Defendants, Litton Loan Servicing, HSBC Bank USA, N.A., Fremont Home Loan Trust 2006-C Mortgage-Backed Certificates, Series 2006-C, Goldman Sachs Mortgage Company, Ocwen Loan Servicing LLC, and Ocwen Financial Corporation ("**Defendants**"), in the above-captioned matter. Please accept this letter brief in lieu of a more formal motion to request that Your Honor strike the Amended Complaint improperly filed by Plaintiff on May 15, 2017. ECF No. 45.

Rule 15 permits a plaintiff to amend the complaint as of right within: (a) 15 days of filing; or (b) 15 days of receiving a responsive pleading. Fed. R. Civ. P. 15(a)(1). Here, Plaintiff filed her original complaint on August 25, 2016 and served Defendants on November 14, 2016. On December 20, 2016, Defendants filed a Motion to Dismiss, which is currently pending. ECF No. 15. Thus, Plaintiff's time to amend as of right expired 21 days after her receipt of the Motion to Dismiss, which was January 11, 2017. Fed. R. Civ. P. 15(a)(1). Plaintiff did not file a timely amended complaint; rather, she filed a motion for default judgment against Defendants. ECF No. 18. Defendants opposed this motion. ECF No. 20. Plaintiff then filed a motion for an interlocutory injunction on May 11, 2017, the same day as filing the Amended Complaint, which Defendants also opposed. ECF Nos. 44, 49.

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After the time to amend as of right expires, Fed. R. Civ. P. 15(a)(2) and interpretive federal law instruct that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” *Ingris v. Borough of Caldwell*, No. 14-855 ES, 2015 WL 3613499, at \*1 (D.N.J. June 9, 2015) (quoting Fed. R. Civ. P. 15(a)(2)) (striking amended complaint where plaintiff “neither sought the Court’s leave to amend nor obtained his adversaries’ consent”). Furthermore, this Court may deny any request to amend out of time where “unfair prejudice, futility of amendment, undue delay, bad faith, or dilatory motive” exists. *Id.* at \*2.

Here, Plaintiff violated Rule 15 because she failed to file any motion requesting leave to amend her complaint and did not obtain consent from Defendants before filing the Amended Complaint.<sup>1</sup> Moreover, she has provided absolutely no reasons as to why justice requires such an amendment, particularly given the fact that there are four motions currently pending before this Court based on the original Complaint. Permitting this untimely and improper amendment would cause undue delay and unfair prejudice to Defendants. Accordingly, Defendants respectfully request that Plaintiff’s Amended Complaint be stricken.

Please do not hesitate to contact me with any questions.

Respectfully,

*/s/ Stuart I. Seiden*

Cc: Veronica Williams (via email and mail)

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<sup>1</sup> Plaintiff did not contact Defendants to seek consent.