

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Angel J. Melendez v. NCL Bahamas, Ltd., et al.

Melendez · No. No. 23-2127 · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana grants NCL (Bahamas) Ltd.'s motion for leave to file a supplemental and amended third-party complaint and Rule 14(c) tender. The court applies Federal Rule of Civil Procedure 15(a), finds no substantial reason to deny amendment, and orders the clerk to file the proposed amended pleading.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Donna Phillips Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 17, 2025
DOCKET	No. 23-2127
DISPOSITION	other
PROCEDURAL POSTURE	Defendant/Third-Party Plaintiff NCL (Bahamas) Ltd. moved for leave to file a first supplemental and amended third-party complaint and to make a Rule 14(c) tender based on recently discovered evidence.
STANDARD OF REVIEW	Leave to amend under Rule 15(a)(2) is generally committed to the district court's discretion, but denial requires a substantial reason such as undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not specified

TOPICS

- motion to amend
- third party practice
- pleadings
- civil procedure
- admiralty

PRACTICE AREAS

- civil procedure
- admiralty

QUESTIONS PRESENTED

1. Whether the motion for leave to amend was governed by the liberal standard of Federal Rule of Civil Procedure 15(a) because it was filed before the scheduling-order amendment deadline.
2. Whether NCL should be granted leave to file its supplemental and amended third-party complaint and Rule 14(c) tender.

HOLDINGS

1. Because NCL timely sought leave to amend before expiration of the scheduling-order deadline, the request was governed by Rule 15(a), rather than Rule 16(b)'s more stringent good-cause standard.
2. Leave to amend was warranted because no substantial reason supported denial; the motion was unopposed, the case was at an early stage, and no prejudice was shown.

KEY QUOTATIONS

“Under Rule 15(a)(2), the “court should freely give leave [to amend] when justice so requires.””

“Given Rule 15(a)’s “bias in favor of granting leave to amend,” absent a “substantial reason,” the court’s discretion “is not broad enough to permit denial.””

“there is no “substantial reason” to deny the request for leave to amend under Rule 15(a).”

FACTUAL BACKGROUND

NCL (Bahamas) Ltd. sought to amend its third-party demand and make a Rule 14(c) tender based on recently discovered evidence. The request was filed before the scheduling-order deadline for amendments. The case was at an early stage, no party opposed the motion, and the record identified no prejudice or other substantial reason to deny leave.

PROCEDURAL HISTORY

NCL sought leave to amend its third-party demand before the scheduling-order deadline for amendments expired. No party filed an opposition, and the magistrate judge granted the motion under Federal Rule of Civil Procedure 15(a), directing the clerk to file the proposed amended pleading.

DISPOSITION

other

CASES CITED

- S & W Enters., L.L.C. v. SouthTrust Bank of Ala., NA, 315 F.3d 533, 535-36 (5th Cir. 2003)
- Carroll v. Fort James Corp., 470 F.3d 1171, 1173-74 (5th Cir. 2006)
- Mayeaux v. La. Health Serv. & Indem. Co., 376 F.3d 420, 425 (5th Cir. 2004)
- Stripling v. Jordan Prod. Co., 234 F.3d 863, 872 (5th Cir. 2000)
- U.S. ex rel. Spicer v. Westbrook, 751 F.3d 354, 367 (5th Cir. 2014)

- Smith v. EMC Corp., 393 F.3d 590, 595 (5th Cir. 2004)
- Rosenzweig v. Azurix Corp., 332 F.3d 854, 864 (5th Cir. 2003)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Martin's Herend Imps., Inc. v. Diamond & Gem Trading U.S. Co., 195 F.3d 765, 770 (5th Cir. 1999)

OPINION

Melendez

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

ANGEL J. MELENDEZ * CIVIL ACTION

VERSUS * NO. 23-2127

NCL BAHAMAS, LTD., ET AL. * SECTION "H" DIV. (2)

ORDER AND REASONS

Before me is Defendant/Third-Party Plaintiff NCL (Bahamas) Ltd.'s Motion for Leave to File First Supplemental and Amended Third-Party Complaint and Rule 14(c) Tender. ECF No.

43. Contrary to Local Rule 7.6,1 movant failed to indicate whether it sought consent from the other parties and that consent was either obtained or denied. This motion was noticed for submission before Judge Milazzo but scheduled for submission before Judge Currault for Wednesday, December 17, 2026, in accordance with Local Rule 72.1. ECF No. 43-4; E.D. La. L.R. 72.1. As of this date, however, no party has filed an Opposition Memorandum, and the deadline for filing same expired on Tuesday, December 9, 2026. See E.D. La. L.R. 7.5. Considering the record, argument, the lack of opposition, and the applicable law, and after finding that the motion has merit, the Motion is GRANTED for the reasons that follow.

LAW AND ANALYSIS

Defendant/Third-Party Plaintiff NCL Bahamas Ltd. seeks to amend its Third-Party Demand and Rule 14(c) tender based on recently discovered evidence. ECF No. 43; No. 43-1 at 1 Local Rule 7.6 provides: Before filing any motion for leave to intervene, amend pleadings or file a third-party complaint, the moving party must attempt to obtain consent for the filing and granting of the motion from all parties having an interest to oppose. If consent is obtained, the motion need not be assigned a submission date, but must be accompanied by a proposed order and include a certification by counsel for the moving party of the consent of opposing counsel.

2. Movant timely sought leave to amend before expiration of the Scheduling Order's deadline.

See ECF No. 42 at 1 (setting deadline of November 20, 2025). Thus, the request for leave to amend is governed by Rule 15(a) rather than the more stringent good cause requirements of Rule 16(b).2 Under Rule 15(a)(2), the "court should freely give leave [to amend] when justice so requires."3 The five relevant considerations for examination by the court in determining whether to grant leave to amend a complaint are: (1) undue delay; (2) bad faith or dilatory motive;

(3) repeated failure to cure deficiencies by previous amendments; (4) undue prejudice to the opposing party; and (5) futility of the amendment.⁴ Given Rule 15(a)'s "bias in favor of granting leave to amend," absent a "substantial reason," the court's discretion "is not broad enough to permit denial."⁵

CONCLUSION

No party has filed an Opposition to the motion. Moreover, given the early stage of this case and the failure to identify any reason for opposition to the motion, there is no "substantial reason" to deny the request for leave to amend under Rule 15(a). Accordingly, for the foregoing 2 See *S & W Enters., L.L.C. v. SouthTrust Bank of Ala., NA*, 315 F.3d 533, 535-36 (5th Cir. 2003) (holding Rule 16(b) governs the amendment of pleadings after a scheduling order deadline has expired and that Rule 16's good cause standard must be satisfied first before the more liberal standard of Rule 15(a) applies to the court's decision to grant or deny leave). 3 Denial of leave to amend is reviewed for abuse of discretion. *Carroll v. Fort James Corp.*, 470 F.3d 1171, 1173-74 (5th Cir. 2006). The term "discretion" in this context "may be misleading, because [Rule] 15(a) evinces a bias in favor of granting leave to amend." *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 425 (5th Cir. 2004) (quoting *Stripling v. Jordan Prod. Co.*, 234 F.3d 863, 872 (5th Cir. 2000)). A district court properly exercises its discretion under Rule 15(a)(2) when it denies leave to amend for a substantial reason, such as undue delay, repeated failures to cure deficiencies, undue prejudice, or futility. *U.S. ex rel. Spicer v. Westbrook*, 751 F.3d 354, 367 (5th Cir. 2014) (citation omitted). 4 *Smith v. EMC Corp.*, 393 F.3d 590, 595 (5th Cir. 2004) (citing *Rosenzweig v. Azurix Corp.*, 332 F.3d 854, 864 (5th Cir. 2003) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962))).

5 *Id.* at 595 (citation omitted); *Mayeaux*, 376 F.3d at 425 (footnote omitted) (citing *Martin's Herend Imps., Inc. v.*

Diamond & Gem Trading U.S. Co., 195 F.3d 765, 770 (5th Cir. 1999); *Stripling*, 234 F.3d at 872). reasons and considering the record, the submission, the lack of opposition filed by any party, the failure to demonstrate of prejudice from granting leave to amend, and the applicable law, IT IS ORDERED that Defendant/Third-Party Plaintiff NCL (Bahamas) Ltd.'s Motion for Leave to Amend Third Party Demand and Rule 14(c) Tender (ECF No. 43) is GRANTED; IT IS FURTHER ORDERED that the Clerk file the proposed amended pleading (ECF No. 43-2) into the court record. New Orleans, Louisiana, this 17th day of December, 2025. □□□ (mau
UNITED STATES MAGISTRATE JUDGE