

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Stephen Ruben v. Wells Fargo Bank, N.A.

Civil No. 25-450-BAH (D. Md. Apr. 28, 2026) · No. Civil No. 25-450-BAH · Decided April 28, 2026

SUMMARY

The United States District Court for the District of Maryland grants Stephen Ruben’s motion for leave to file a second amended complaint against Wells Fargo Bank, N.A. The court concludes that amendment is appropriate because the proposed pleading streamlines the claims and adds factual allegations, and it finds no undue delay, bad faith, or sufficient prejudice. The court denies Wells Fargo’s pending motion to dismiss as moot and without prejudice to refiling after the second amended complaint is docketed.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Brendan A. Hurson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	April 28, 2026
DOCKET	Civil No. 25-450-BAH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a second amended complaint while Defendant's motion to dismiss the first amended complaint was pending. The district court granted leave to amend and denied the pending motion to dismiss as moot.
STANDARD OF REVIEW	A district court's decision whether to grant leave to amend is discretionary. Although futility may justify denial, a proposed amendment is futile only when it is clearly insufficient or frivolous on its face; review for futility does not involve evaluating the underlying merits of the case.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive value only.

TOPICS

- motion to amend
- motions to dismiss
- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

contracts

torts

consumer protection

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a second amended complaint.
2. Whether the proposed second amended complaint was futile because its claims allegedly could not withstand a motion to dismiss.
3. Whether Defendant's pending motion to dismiss the first amended complaint became moot upon docketing the second amended complaint.

HOLDINGS

1. Leave to amend should be granted because Plaintiff sought to streamline the case, clarify the allegations, and add factual allegations, and the record did not show undue delay, bad faith, repeated failure to cure deficiencies, or undue prejudice.
2. The proposed second amended complaint was not shown to be clearly insufficient or frivolous on its face, so the court would not deny leave to amend based on futility.
3. The filing and docketing of the second amended complaint superseded the first amended complaint and rendered Defendant's pending motion to dismiss the first amended complaint moot.

KEY QUOTATIONS

“Courts are to “freely give leave [to amend] when justice so requires,”” (Analysis)

“A proposed amendment is futile when it “is clearly insufficient or frivolous on its face.”” (Analysis)

“Review for futility “does not involve ‘an evaluation of the underlying merits of the case.’”” (Analysis)

“Since “it is well settled that an amended pleading supersedes the original,”” (Analysis)

FACTUAL BACKGROUND

Plaintiff, an attorney assisting with the sale of property in Severna Park, Maryland, requested a payoff statement for the seller's Wells Fargo mortgage. An unauthorized third party allegedly intercepted and altered the statement's account number, causing Plaintiff to wire \$290,856.59 to a fraudulent account. Wells Fargo recovered \$170,000, and Plaintiff asserted claims relating to negligence, fraud, contract, the Electronic Fund Transfer Act, and conversion, but sought to streamline and clarify those claims through a second amended complaint.

PROCEDURAL HISTORY

Plaintiff originally filed suit in the Circuit Court for Anne Arundel County, Maryland, and Defendant removed the matter to federal court. Defendant moved to dismiss the amended complaint, and Plaintiff opposed dismissal while seeking leave to file a second amended complaint. The court granted the motion for leave to amend,

directed the Clerk to docket the proposed second amended complaint, and denied the pending motion to dismiss as moot and without prejudice to refileing.

DISPOSITION

other

CASES CITED

- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Galustian v. Peter, 591 F.3d 724, 729 (4th Cir. 2010)
- Laber v. Harvey, 438 F.3d 404, 428 (4th Cir. 2006) (en banc)
- Katyle v. Penn National Gaming, Inc., 637 F.3d 462, 471 (4th Cir. 2011)
- United States ex rel. Wilson v. Kellogg Brown & Root, Inc., 525 F.3d 370, 376 (4th Cir. 2008)
- Johnson v. Oroweat Foods Co., 785 F.2d 503, 510 (4th Cir. 1986)
- Kolb v. ACRA Control, Ltd., 21 F. Supp. 3d 515, 522 (D. Md. 2014)
- MTB Services, Inc. v. Tuckman-Barbee Construction Co., Civ. No. RDB-12-2109, 2013 WL 1819944, at *3 (D. Md. Apr. 30, 2013)
- Next Generation Group, LLC v. Sylvan Learning Centers, LLC, Civ. No. CCB-11-0986, 2012 WL 37397, at *3 (D. Md. Jan. 5, 2012)
- Davis v. Piper Aircraft Corp., 615 F.2d 606, 613 (4th Cir. 1980), cert. dismissed, 448 U.S. 911 (1980)
- Sulton v. Baltimore County, Civ. No. SAG-18-2864, 2021 WL 82925, at *2-*3 (D. Md. Jan. 11, 2021)
- Brightwell v. Hershberger, Civ. No. DKC-11-3278, 2015 WL 5315757, at *3 (D. Md. Sept. 10, 2015)
- Frank M. McDermott, Ltd. v. Moretz, 898 F.2d 418, 421 (4th Cir. 1990)
- Dykes v. Portfolio Recovery Associates, LLC, 306 F.R.D. 529, 530 (E.D. Va. 2015)
- Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001)