

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Lexan McDowell v. iCallidus, Inc.

Civ. No. MJM-22-3172 (D. Md. Dec. 31, 2025) · No. Civ. No. MJM-22-3172 · Decided December 31, 2025

SUMMARY

The United States District Court for the District of Maryland resolves Plaintiff Lexan McDowell’s renewed motion for leave to amend her complaint and related motions to strike. The court grants leave to assert Title VII racial-discrimination and Maryland constructive-discharge claims, while denying leave as to proposed retaliation, breach-of-contract, unjust-enrichment, and fraudulent-misrepresentation claims as futile. The court denies the motion to strike the proposed amended complaint but strikes Plaintiff’s untimely reply.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Matthew J. Maddox
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 31, 2025
DOCKET	Civ. No. MJM-22-3172
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, renewed her motion for leave to amend her complaint. Defendant opposed amendment and moved to strike the proposed amended complaint and Plaintiff's untimely reply. The court granted amendment in part, denied it in part, denied the motion to strike the proposed amended complaint, and granted the motion to strike the reply.
STANDARD OF REVIEW	Leave to amend under Rule 15 is ordinarily granted freely and may be denied for prejudice, bad faith, or futility. A proposed amendment is futile when it is clearly insufficient or frivolous on its face. Decisions concerning good cause and excusable neglect under Rule 6(b) are within the court's discretion. Motions to strike are also committed to the court's discretion and are generally disfavored.
PRECEDENTIAL VALUE	unpublished

TOPICS

motion to amend

civil procedure

title vii

racial discrimination

constructive discharge

PRACTICE AREAS

civil procedure

employment law

civil rights

contracts

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15 to add proposed claims for Title VII racial discrimination, Title VII retaliation, constructive discharge, breach of contract, unjust enrichment, and fraudulent misrepresentation.
2. Whether Defendant's motion to strike the proposed amended complaint should be granted based on alleged bad faith or prejudicial amendment.
3. Whether Plaintiff's one-week-late reply should be accepted under Federal Rule of Civil Procedure 6(b)(1)(B) based on excusable neglect.

HOLDINGS

1. Leave to amend was properly denied as futile because the proposed claims were clearly insufficient to state plausible claims for relief. The retaliation allegations did not identify protected activity concerning unlawful discrimination; the contract allegations did not identify a breached contractual obligation; the unjust-enrichment allegations did not identify a benefit conferred on Defendant and were undermined by Plaintiff's admission that she was compensated; and the fraud allegations did not satisfy Rule 9(b)'s particularity requirement.
2. Leave to amend was granted as to the proposed racial-discrimination and constructive-discharge claims because the court could not find that either claim was clearly insufficient or frivolous on its face at the amendment stage.
3. The motion to strike the proposed amended complaint was denied because Defendant did not establish bad faith, scandalous material, or unduly repulsive or derogatory language warranting the drastic remedy of striking the pleading.
4. The court declined to find excusable neglect and struck Plaintiff's untimely reply because the one-week delay lacked an adequate justification, caused some delay in resolving the motion, and was not sufficiently explained by the government shutdown or general family responsibilities.

KEY QUOTATIONS

"The court should freely give leave when justice so requires."

"Not all employee complaints are protected by Title VII's retaliation provision"

"Striking portions of a pleading is 'a drastic remedy'"

"The factors to be considered in determining whether there is good cause or 'excusable neglect'"

FACTUAL BACKGROUND

Plaintiff alleged that she raised concerns about her role classification, compensation, workload, lack of support, and lack of a job description while employed by Defendant. She proposed adding claims based on the reassignment of a government contract to another company, the hiring of a white person at higher pay to manage contracts she had managed, alleged intolerable working conditions, and alleged representations concerning her promotion and work under Defendant's contract. Plaintiff filed her reply in support of amendment one week late, attributing the delay to a government shutdown and family responsibilities.

PROCEDURAL HISTORY

Plaintiff sought leave under Federal Rule of Civil Procedure 15 to add claims for Title VII racial discrimination and retaliation, constructive discharge, breach of contract, unjust enrichment, and fraudulent misrepresentation. Defendant argued that the proposed claims were futile, prejudicial, and brought in bad faith. Plaintiff filed her reply one week late and asserted excusable neglect under Rule 6(b). The court allowed amendment as to the proposed racial-discrimination and constructive-discharge claims, denied amendment as to the other proposed claims, denied the motion to strike the proposed amended complaint, and struck the untimely reply.

DISPOSITION

other

CASES CITED

- *Laber v. Harvey*, 438 F.3d 404, 426-28 (4th Cir. 2006)
- *Johnson v. Oroweat Foods Co.*, 785 F.2d 503, 509-10 (4th Cir. 1986)
- *Davis v. Piper Aircraft Corp.*, 615 F.2d 606, 613 (4th Cir. 1980)
- *Buder v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 644 F.2d 690, 695 (8th Cir. 1981)
- *Laurent-Workman v. Wormuth*, 54 F.4th 201, 212 (4th Cir. 2022)
- *McIver v. Bridgestone Ams., Inc.*, 42 F.4th 398, 411 (4th Cir. 2022)
- *Chang Lim v. Azar*, 310 F. Supp. 3d 588, 604 (D. Md. 2018)
- *Bowman v. Balt. City Bd. of Sch. Comm'rs*, 173 F. Supp. 3d 242, 248 (D. Md. 2016)
- *Harig v. Progress Rail Servs. Corp.*, 166 F. Supp. 3d 542, 550 (D. Md. 2015)
- *Taylor v. NationsBank, N.A.*, 776 A.2d 645, 651 (Md. 2001)
- *Lacks v. Ultragenyx Pharm., Inc.*, 734 F. Supp. 3d 397, 408 (D. Md. 2024)
- *Hill v. Cross Country Settlements, LLC*, 936 A.2d 343, 351 (Md. 2007)
- *Harrison v. Westinghouse Savannah River Co.*, 176 F.3d 776, 783-84 (4th Cir. 1999)
- *Weidman v. Exxon Mobil Corp.*, 776 F.3d 214, 219 (4th Cir. 2015)
- *U.S. ex rel. Wilson v. Kellogg Brown & Root, Inc.*, 525 F.3d 370, 379 (4th Cir. 2008)
- *U.S. ex rel. Palmieri v. Alphaarma, Inc.*, 928 F. Supp. 2d 840, 853 (D. Md. 2013)
- *Harden v. Budget Rent A Car Sys., Inc.*, 726 F. Supp. 3d 415, 426-27 (D. Md. 2024)
- *White v. BFI Waste Servs., LLC*, 375 F.3d 288, 295 (4th Cir. 2004)

- Rosero v. Johnson, Mirmiran & Thompson, Inc., Civ. No. GLR-21-588, 2022 WL 899442, at *7 (D. Md. Mar. 28, 2022)
- Jackson v. Clark, 564 F. Supp. 2d 483, 492 (D. Md. 2008)
- Blevins v. Piatt, Civ. No. ELH-15-1551, 2015 WL 7878504, at *2 (D. Md. Dec. 4, 2015)
- Haley Paint Co. v. E.I. du Pont de Nemours & Co., 279 F.R.D. 331, 335 (D. Md. 2012)
- Waste Mgmt. Holdings, Inc. v. Gilmore, 252 F.3d 316, 347 (4th Cir. 2001)
- U.S. ex rel. Ackley v. IBM, 110 F. Supp. 2d 395, 406 (D. Md. 2000)
- Lewis v. Prince George's Cnty. Bd. of Educ., Civ. No. JKB-21-2720, 2023 WL 4551866, at *5 (D. Md. July 13, 2023)
- Faulconer v. Centra Health, Inc., 808 F. App'x 148, 151 (4th Cir. 2020)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 388, 395 (1993)
- Dwonzyk v. Balt. Cnty., 328 F. Supp. 2d 572, 577 (D. Md. 2004)
- Tawwaab v. Va. Linen Serv., Inc., 729 F. Supp. 2d 757, 768-69 (D. Md. 2010)
- Pine Mountain Oil & Gas, Inc. v. Equitable Prod. Co., 446 F. Supp. 2d 643, 649 (W.D. Va. 2006)
- 2024 WL 773586 (4th Cir. Feb. 26, 2024)