

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ATB Marine, LLC v. AES Puerto Rico, L.P. v. Logistec Gulf Coast LLC

ATB Marine · No. Civil Action No. 24-922-GBW · Decided February 18, 2026

SUMMARY

The United States District Court for the District of Delaware granted AES Puerto Rico L.P.'s motion for leave to file a second amended third-party complaint adding Duke Energy Florida, Holcim (US), Logistec Gulf Coast, and Mosaic Global Sales. The court found good cause for the amendment after the scheduling deadline, determined that the proposed claims arose from the same occurrence involving damage to an ocean-going barge, and extended the fact and expert discovery deadlines by two months while leaving the trial and related pretrial dates unchanged.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Gregory B. Williams
JURISDICTION	United States District Court for the District of Delaware
DECIDED	February 18, 2026
DOCKET	Civil Action No. 24-922-GBW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant and third-party plaintiff AES Puerto Rico, L.P. moved for leave to file a second amended third-party complaint adding Duke Energy Florida, LLC, Holcim (US), Inc., and Mosaic Global Sales, LLC as third-party defendants, and moved to amend the scheduling order to extend fact and expert discovery. Plaintiff ATB Marine, LLC opposed the amendment as untimely and futile.
STANDARD OF REVIEW	Motions to amend are governed by Federal Rule of Civil Procedure 15(a)(2), under which leave should generally be freely given when justice so requires. When amendment is sought after the scheduling-order deadline, the good-cause standard of Rule 16(b)(4) applies. Futility is assessed under the Rule 12(b)(6) legal-sufficiency standard.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motion to amend

impleader

third party practice

admiralty

civil procedure

PRACTICE AREAS

civil procedure

admiralty

commercial litigation

QUESTIONS PRESENTED

1. Whether AES established good cause under Federal Rule of Civil Procedure 16(b)(4) to seek amendment after the scheduling-order deadline.
2. Whether the proposed third-party claims were futile because they did not arise from the same transaction or occurrence as the existing claims.
3. Whether AES should receive a two-month extension of the fact and expert discovery deadlines.

HOLDINGS

1. AES demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) because it pursued discovery, investigated the proposed parties' involvement, and sought leave after receiving confirmation of relevant information.
2. The proposed claims were not futile because they arose from the same transaction or occurrence as the existing dispute: alleged damage to the barge during the relevant period.
3. The court granted AES's request to extend fact and expert discovery by two months because the amendment and additional third-party defendants justified the extension, while the trial and related pretrial dates could remain unchanged.

KEY QUOTATIONS

“Despite this liberal standard, leave to amend may be denied when there is undue delay, bad faith, dilatory motive, prejudice, [or] futility.”

“When a party moves to amend or add a party after the deadline in a district court’s scheduling order has passed, the ‘good cause’ standard of Rule 16(b)(4) of the Federal Rules of Civil Procedure applies.”

“In exercising its discretion, a district court is well-advised to permit impleader if it will avoid circuity of action and eliminate duplication of suits based on closely related matters.”

FACTUAL BACKGROUND

ATB Marine's action involves alleged physical damage to an ocean-going barge during a period extending from August 13, 2018, through January 2023. AES alleged that Duke Energy, Holcim, and Mosaic chartered, used, loaded, or unloaded the barge carrying bulk cargo and that heavy unloading equipment caused damage. AES contended that discovery and a December 11, 2025 deposition confirmed the entities' involvement and supported their addition as third-party defendants.

PROCEDURAL HISTORY

The action concerns alleged damage to an ocean-going barge. AES had already asserted third-party claims against Logistec Gulf Coast LLC and sought to add three additional commercial entities after discovery and depositions allegedly confirmed their involvement. The district court granted leave to amend and extended the fact and expert discovery deadlines by two months, while leaving the trial and related pretrial dates in effect.

DISPOSITION

other

CASES CITED

- Talley v. Wetzel, 15 F.4th 275, 286 n.6 (3d Cir. 2021)
- LaSpina v. SEIU Pa. State Council, 985 F.3d 278, 291 (3d Cir. 2021)
- Premier Comp Sols., LLC v. UPMC, 970 F.3d 316, 319 (3d Cir. 2020)
- Cordance Corp. v. Amazon.com, Inc., 255 F.R.D. 366, 374 (D. Del. 2009)
- Wilson v. Beekman, 198 F. App'x 239, 241 (3d Cir. 2006)