UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Mohammad O. Sabri and Mona Sabri v. Chubb Indemnity Ins. Co.

Sabri · No. 26-cv-1689 (PJS/SGE) · Decided March 23, 2026

SUMMARY

The court grants in part and denies in part Plaintiffs' motion for equitable tolling and leave to supplement damages in their insurance-coverage action arising from a house fire. Plaintiffs may amend their Complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(A), but the court declines to address equitable tolling before Defendant has appeared and directs Plaintiffs to effect service.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Shannon G. Elkins
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	March 23, 2026
DOCKET	26-cv-1689 (PJS/SGE)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for equitable tolling of contractual or policy limitations periods and for leave to supplement damages in their insurance-contract action before Defendant had been served or had appeared.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 15(a)(1)(A) to determine whether leave to amend was required and declined to decide the unopposed equitable-tolling request before Defendant had appeared and responded.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mohammad O. Sabri, Mona Sabri v. Chubb Indemnity Ins. Co.

TOPICS

motion to amend · civil procedure · insurance · contracts · equitable relief

PRACTICE AREAS

civil procedure insurance contracts remedies

QUESTIONS PRESENTED

1. Whether Plaintiffs required advance court permission to amend their Complaint to add supplemental damages.
2. Whether the court should equitably toll any contractual or policy limitations periods before Defendant had been served or appeared.
3. Whether the apparent failure to serve Defendant required immediate action or warranted a warning concerning the 90-day service period.

HOLDINGS

1. Plaintiffs may amend their Complaint once as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(A), because no proof of service or responsive pleading had been filed and the applicable 21-day period had not begun to run.
2. The request for equitable tolling was denied at that stage because Defendant had not responded and the issues were better reserved until all parties had appeared and had an opportunity to address them.
3. Plaintiffs must comply with the Federal Rules of Civil Procedure, including the requirement to serve the Complaint within 90 days after filing; failure to do so could result in dismissal for failure to prosecute.

KEY QUOTATIONS

> *"Plaintiffs are therefore able to amend their Complaint as a matter of course without the court's advance permission."*

> *"At this point in the litigation—before a defendant has responded to the Complaint—it would be inappropriate to address an unopposed request to equitably toll any limitations periods."*

> *"Even though Plaintiffs are proceeding pro se, they must still comply with the Federal Rules of Civil Procedure."*

FACTUAL BACKGROUND

Plaintiffs brought an insurance-contract claim against Chubb arising from losses associated with a house fire. They sought to add damages discovered after their initial claim submission and to toll any contractual or policy limitations periods applicable to those supplemental damages. No proof of service or answer had been filed when the motion was considered.

PROCEDURAL HISTORY

Plaintiffs filed a complaint on March 2, 2026, seeking damages allegedly due under an insurance contract after a house fire. They then filed a motion for equitable tolling and leave to supplement damages. The court granted leave to amend as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(A), denied the request for equitable tolling at that stage, and directed attention to the apparent absence of service on Defendant.

DISPOSITION

other

CASES CITED

- Shempert v. Harwick Chem. Corp., 151 F.3d 793, 797 (8th Cir. 1998)
- Medeiros v. Safeco Ins. Co. of Ill., 809 F. Supp. 3d 884, 890 (D. Minn. 2025)
- Jackson v. Hennepin Healthcare Sys., Inc., 134 F.4th 1262, 1264 (8th Cir. 2025)
- Hallgren v. U.S. Dep't of Energy, 331 F.3d 588, 590 (8th Cir. 2003)
- Ackra Direct Mktg. Corp. v. Fingerhut Corp., 89 F.3d 852, 856 (8th Cir. 1996)
- Bennett v. Dr Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir. 2002)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Mohammad O. Sabri and Mona Sabri, Case No. 26-cv-1689 (PJS/SGE) Plaintiffs, ORDER v. Chubb Indemnity Ins. Co., Defendant. This matter is before the Court on Plaintiffs' Motion for Equitable Tolling and Leave to Supplement Damages. (Dkt. 7.) Plaintiffs have filed a complaint against Defendant Chubb Indemnity Insurance Co. ("Chubb") for damages due under an insurance contract following a house fire.

(See Dkt. 1.) Plaintiffs' motion asks for the court to (1) grant it leave "to supplement their damages to include losses discovered after the initial claim submission" and (2) "equitably toll[] any contractual or policy limitations periods relating to these supplemental damages[.]" (Dkt. 7 at 1.) At this time, nothing prevents Plaintiffs from amending their Complaint.

Plaintiffs filed the Complaint in this matter on March 2, 2026. (Dkt. 1.) The Federal Rules allow parties to amend a pleading once as a matter of course no later than 21 days after serving it or within 21 days after service of a responsive pleading, whichever is earlier. Fed. R. Civ. P. 15(a)(1)(A).

To date, no proof of service or answer to the Complaint has been filed, and so the 21-day period set out in Rule 15(a) has not even begun to run. Plaintiffs are therefore able to amend their Complaint as a matter of course without the court's advance permission. Plaintiffs also ask for an order equitably tolling any contractual or policy limitations period relating to the supplemental damages they seek to add to their Complaint. "Equitable tolling is premised on the excusable neglect of the filing party, and [it] preserves a claim after the filing period has expired." Shempert v. Harwick Chem.

Corp., 151 F.3d 793, 797 (8th Cir. 1998) (cleaned up); Medeiros v. Safeco Ins. Co. of Ill., 809 F. Supp. 3d 884, 890 (D. Minn. 2025). Equitable tolling "may be appropriate when a claimant has received inadequate notice, when a motion for appointment for counsel was pending, when the court has led the plaintiff to believe that he had done everything required of him, or when affirmative misconduct on the part of the defendant has lulled the plaintiff into inaction." Jackson v. Hennepin Healthcare Sys., Inc., 134 F.4th 1262, 1264 (8th Cir.

2025) (quoting Hallgren v. U.S. Dep't of Energy, 331 F.3d 588, 590 (8th Cir. 2003)). At this point in the litigation—before a defendant has responded to the Complaint—it would be inappropriate to address an unopposed request to equitably toll any limitations periods. These issues are best reserved until all parties have appeared and weighed in on the issues.

Accordingly, Plaintiffs' request to toll any applicable limitations periods will be denied. Finally, the Court notes that there does not appear to be any certificate of service or other indication that Chubb Indemnity Insurance Company has received notice of this action.

The Federal Rules require a complaint to be served upon a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Even though Plaintiffs are proceeding pro se, they must still comply with the Federal Rules of Civil Procedure. E.g., Ackra Direct Mktg. Corp. v. Fingerhut Corp., 89 F.3d 852, 856 (8th Cir. 1996) ("In general, pro se representation does not excuse a party from complying with a court's orders and with the Federal Rules of Civil Procedure."); Bennett v. Dr Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir.

2002) (a plaintiff's "pro se status did not entitle him to disregard the Federal Rules of Civil Procedure, even without affirmative notice of the application of the rules to his case"). The court encourages Plaintiffs to effect service on the defendant so that this matter can proceed. Failure to do so could result in this matter being dismissed for failure to prosecute.

See Fed. R. Civ. P. 4(m), 41(b). Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Motion for Equitable Tolling and Leave to Supplement Damages (Dkt. 7) is GRANTED-IN-PART and DENIED-IN-PART as set forth above. Plaintiffs may file an Amended Complaint pursuant to Rule 15(a)(1)(A). Date: March 23, 2026 s/Shannon G. Elkins SHANNON G. ELKINS United States Magistrate Judge