

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PRECEDENTIAL VALUE	unpublished district court order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

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)

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