

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Otis Bruce v. ITW Building Components Group, Inc.

No. 1:23-CV-398 (AJB/PJE) (N.D.N.Y. Mar. 27, 2026) · No. 1:23-CV-398 (AJB/PJE) · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of New York addresses defendant’s Rule 12(b)(6) motion and plaintiff’s cross-motion to file a second amended complaint in a products-liability action arising from a workplace injury involving a truss fabrication system. The court applies Rules 16 and 15, finds good cause and no futility, declines to consider disputed extraneous materials at the pleading stage, denies the motion to dismiss, and permits limited additional discovery concerning the defective component and whether defendant designed or manufactured it.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Anthony J. Brindisi
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 27, 2026
DOCKET	1:23-CV-398 (AJB/PJE)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the first amended complaint. Plaintiff cross-moved for leave to file a second amended complaint after the scheduling deadline had passed. The district court evaluated the motion to dismiss against the proposed second amended complaint, denied dismissal, granted leave to amend, accepted the second amended complaint for filing, and directed limited additional discovery.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepted well-pleaded factual allegations as true, drew reasonable inferences in plaintiff's favor, and assessed whether the proposed pleading stated a facially plausible claim. Leave to amend after the scheduling deadline was governed first by Rule 16(b)(4)'s good-cause standard and then by Rule 15(a)(2)'s futility, bad-faith, undue-delay, and undue-prejudice standards.
PRECEDENTIAL VALUE	persuasive

TOPICS

motions to dismiss

motion to amend

products liability

negligence

civil procedure

PRACTICE AREAS

civil procedure

products liability

negligence

construction law

QUESTIONS PRESENTED

1. Whether a second Rule 12(b)(6) motion was procedurally appropriate after plaintiff filed an amended complaint and cross-moved to amend again.
2. Whether the court could evaluate defendant's motion to dismiss against the allegations in the proposed second amended complaint.
3. Whether plaintiff demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to amend after the scheduling deadline.
4. Whether the proposed second amended complaint was futile under Federal Rule of Civil Procedure 15(a)(2), including whether it plausibly alleged defective design or manufacture and actual and proximate causation.
5. Whether the court should consider materials outside the pleadings or convert the cross-motions into motions for summary judgment.

HOLDINGS

1. A successive Rule 12(b)(6) motion was not procedurally improper under the circumstances, particularly because plaintiff sought leave to file a new operative pleading and the court needed to assess that proposed pleading's sufficiency.
2. The court would not consider plaintiff's expert report and other materials submitted outside the pleadings, and it would not convert the Rule 12(b)(6) motion into a motion for summary judgment.
3. Plaintiff demonstrated good cause under Rule 16(b)(4) to amend the complaint after the scheduling deadline.
4. The proposed second amended complaint was not futile because it plausibly alleged that a product or component of the truss-fabrication system was defectively designed or manufactured and that the defect was the actual and proximate cause of plaintiff's injury.

KEY QUOTATIONS

"If plaintiff's cross-motion for leave to amend were granted, in whole or in part, the first amended complaint would no longer be the "operative" pleading." (at 4)

"In short, defendant's pending motion to dismiss will be evaluated against the allegations in plaintiff's proposed second amended complaint." (at 6)

"The proposed amendment serves to clarify the issues to be presented." (at 12)

“In sum, defendant’s motion to dismiss will be denied so that plaintiff may conduct limited additional discovery regarding: (1) which component part(s) of the truss fabrication system caused plaintiff’s injury; and (2) whether defendant designed or manufactured such part(s).” (at 15)

FACTUAL BACKGROUND

Plaintiff worked for Kora Components, which purchased industrial machinery from ITW for use in a wood-truss manufacturing system. On September 25, 2020, while plaintiff was unloading a wooden truss from conveyor rollers, a second truss was discharged and collided with the first, knocking plaintiff to the ground and seriously injuring him. The proposed second amended complaint alleged that the system lacked readily accessible emergency-stop features and adequate instructions or warnings concerning truss removal, emergency stopping, and installation and use of the conveyor subsystem.

PROCEDURAL HISTORY

Plaintiff filed the action in Ulster County Supreme Court alleging workplace injuries caused by defective industrial machinery, and defendants removed it to federal court. Claims against Illinois Tool Works, Inc. were discontinued by stipulation. After discovery had focused on the wrong product, a magistrate judge granted plaintiff leave to file a first amended complaint. Defendant then moved to dismiss that pleading, and plaintiff cross-moved to amend a second time. The district court found good cause under Rule 16, determined that the proposed amendment was not futile under Rule 15, denied the motion to dismiss, granted amendment, and referred the matter for limited further discovery.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant's motion to dismiss was denied; plaintiff's cross-motion to amend was granted; the second amended complaint was accepted for filing; defendant was directed to answer within fourteen days; and the matter was referred to the assigned magistrate judge to facilitate limited additional discovery concerning which component parts caused the injury and whether defendant designed or manufactured them.

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Chambers v. Time Warner, Inc., 282 F.3d 147, 152 (2d Cir. 2002)
- Goel v. Bunge, Ltd., 820 F.3d 554, 559 (2d Cir. 2016)
- Lucente v. Int’l Bus. Mach. Corp., 310 F.3d 243, 258 (2d Cir. 2002)
- Ortiz v. Consol. Edison Co. of N.Y., Inc., 801 F. Supp. 3d 260, 321 (S.D.N.Y. 2025)
- Ballast v. Workforce7 Inc., 2024 WL 307966, at *5 (S.D.N.Y. Jan. 26, 2024)

- Hahn v. JetBlue Airways Corp., 738 F. Supp. 3d 229, 256 (E.D.N.Y. 2024)
- McCall v. Pataki, 232 F.3d 321, 322-23 (2d Cir. 2000)
- Byrd v. Town of DeWitt, 698 F. Supp. 3d 379, 386 (N.D.N.Y. 2023)
- Pettaway v. Nat'l Recovery Sols., LLC, 955 F.3d 299, 303 (2d Cir. 2020)
- Scalia v. Sarene Servs., Inc., 740 F. Supp. 3d 251, 275-76 (E.D.N.Y. 2024)
- Huber v. Nat'l R.R. Passenger Corp., 2012 WL 6082385, at *3-8 (S.D.N.Y. Dec. 4, 2012)
- L-7 Designs, Inc. v. Old Navy, LLC, 647 F.3d 419, 421-22 (2d Cir. 2011)
- Yung v. Lee, 432 F.3d 142, 146-47 (2d Cir. 2005)
- Faulkner v. Beer, 463 F.3d 130, 134 (2d Cir. 2006)
- Cortec Indus., Inc. v. Sum Holding L.P., 949 F.2d 42, 47-48 (2d Cir. 1991)
- ICM Controls Corp. v. Honeywell Int'l, Inc., 2019 WL 7631075, at *10 (N.D.N.Y. Dec. 3, 2019)
- Geisler v. Petrocelli, 616 F.2d 636, 639 (2d Cir. 1980)
- United States ex rel. Foreman v. AECOM, 19 F.4th 85, 108-09 (2d Cir. 2021)
- Jordache Enters., Inc. v. Affiliated FM Ins. Co., 2022 WL 986109, at *6 n.8 (S.D.N.Y. Mar. 31, 2022)
- Miller v. Lamanna, 2026 WL 643744, at *5-8 (2d Cir. Mar. 9, 2026)
- Carter v. Ralph Lauren Corp., 683 F. Supp. 3d 400, 419 n.10 (S.D.N.Y. 2023)
- Int'l Controls Corp. v. Vesco, 556 F.2d 665, 668 (2d Cir. 1977)
- Bao Guo Zhang v. Shun Lee Palace Rest., Inc., 2021 WL 634717, at *5 (S.D.N.Y. Feb. 16, 2021)
- Perfect Pearl Co. v. Majestic Pearl & Stone, Inc., 889 F. Supp. 2d 453, 457, 459 (S.D.N.Y. 2012)
- Dougherty v. Town of N. Hempstead Bd. of Zoning Appeals, 282 F.3d 83, 88 (2d Cir. 2002)
- Reynolds-Sitzer v. EISAI, Inc., 586 F. Supp. 3d 123, 129 (N.D.N.Y. 2022)
- Parillo v. Stryker Corp., 2015 WL 12748006, at *2 (N.D.N.Y. Sept. 29, 2015)
- Metzler Inv. Gmbh v. Chipotle Mexican Grill, Inc., 970 F.3d 133, 147-48 (2d Cir. 2020)
- SUEZ Water N.Y. Inc. v. E.I. du Pont de Nemours & Co., 578 F. Supp. 3d 511, 552 (S.D.N.Y. 2022)