

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

William Darrell Petrey v. David Milender, Esq.

Petrey · No. 1:25-cv-431 · Decided January 6, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopts the magistrate judge’s Report and Recommendation and denies Plaintiff William Darrell Petrey’s motions to supplement his First Amended Complaint under Federal Rule of Civil Procedure 15(d). The court concludes that the proposed supplemental materials introduce unrelated parties and new misconduct, would prejudice the defendant and confuse the issues, and do not satisfy Rule 8’s pleading requirements. The court overrules Plaintiff’s objections following de novo review.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Matthew W. McFarland
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 6, 2026
DOCKET	1:25-cv-431
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed Plaintiff's timely objections to a magistrate judge's Report and Recommendation recommending denial of Plaintiff's motions to supplement his First Amended Complaint under Federal Rule of Civil Procedure 15(d).
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which Plaintiff objected, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unpublished district court order; persuasive authority only
PARTIES	William Darrell Petrey v. David Milender, Esq.

TOPICS

motion to amend

pleadings

civil procedure

PRACTICE AREAS

Civil procedure

Pleading and practice

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation and deny Plaintiff's motions to supplement his First Amended Complaint under Federal Rule of Civil Procedure 15(d).
2. Whether the proposed supplemental materials were sufficiently related to the existing claims and parties to satisfy Rule 15(d).
3. Whether the proposed supplemental pleadings violated Federal Rule of Civil Procedure 8 because they were not short and plain and did not show entitlement to relief on the existing claims.
4. Whether the liberal standard for granting leave to supplement under Rule 15(d) required permitting Plaintiff to file the proposed supplemental materials.

HOLDINGS

1. Leave to supplement was properly denied because the proposed exhibits did not support the existing legal theories and claims, introduced allegations of new misconduct by parties not named in the First Amended Complaint, and would prejudice Defendant and confuse the issues.
2. The proposed supplemental materials did not comply with Rule 8 because they were neither short nor plain and did not show that Plaintiff was entitled to relief with respect to the existing allegations.
3. The liberal policy favoring supplementation did not require granting Plaintiff's motions because courts retain broad discretion to deny supplementation when the proposed material is unrelated or unduly prejudicial.

KEY QUOTATIONS

“Rule 15(d) “does not allow daisy-chaining of unrelated events into a single lawsuit.”

“The exhibits with which Plaintiff seeks to supplement his First Amended Complaint are neither short nor plain, and nor do they show why “Plaintiff is entitled to relief with respect to” her existing allegations, as they are unrelated.”

FACTUAL BACKGROUND

Plaintiff's First Amended Complaint alleged that Defendant, a county prosecutor, withheld public records and retaliated against Plaintiff because of Plaintiff's records request and efforts to report misconduct. Plaintiff sought to add exhibits alleging misconduct by CORSA, Clinton County's insurer, and an attorney appointed as a special prosecutor, including alleged conflicts of interest and obstruction of access to evidence and public records. Plaintiff stated that he did not seek to add new parties or claims, but the district court found that the proposed supplemental materials concerned new parties and new misconduct unrelated to the existing claims.

PROCEDURAL HISTORY

Plaintiff filed two motions seeking to supplement his First Amended Complaint with exhibits concerning alleged withholding of records, conflicts of interest, and misconduct involving entities and individuals not named in the operative complaint. The magistrate judge recommended denying the motions. After conducting de novo review under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the district court overruled Plaintiff's objections, adopted the Report and Recommendation in its entirety, and denied both motions.

DISPOSITION

other

CASES CITED

- Diamond Electric, Inc. v. Knoebel Construction, Inc., No. 5:16-023, 2016 WL 6518625, at *2 (E.D. Ky. Nov. 2, 2016)
- Koukios v. Ganson, 229 F.3d 1152 (Table) (6th Cir. 2000)
- Cage v. Harry, No. 1:09-CV-512, 2010 WL 1254562, at *1 (W.D. Mich. Mar. 26, 2010)
- Bormuth v. Cnty. Of Jackson, No. 2:13-CV13726, 2015 WL 13661713, at *1 (E.D. Mich. July 22, 2015)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Sroka v. Wal-Mart Stores East LP, No. 2018 WL 8621212, at *6 (E.D. Mich. Apr. 9, 2018)
- Sunless, Inc. v. Selby Holdings, LLC, No. 3:20-CV-930, 2021 WL 3513871, at *2-*3 (M.D. Tenn. Aug. 10, 2021)
- Jones v. State, No. 3:23-CV-1033, at *2 (M.D. Tenn. Oct. 30, 2024)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI WILLIAM DARRELL PETREY,; Case No. 1:25-cv-431
Plaintiff, Judge Matthew W. McFarland DAVID MILENDER, ESQ., Defendant. ORDER
ADOPTING REPORT AND RECOMMENDATION (Doc. 30) This matter is before the Court on
the Report and Recommendation (the "Report") (Doc. 30) of United States Magistrate Judge
Karen L. Litkovitz, to whom this case is referred pursuant to 28 U.S.C. § 636(b).

Plaintiff seeks to supplement his First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(d). (See Motions, Doc. 23, 25.) The Report recommends that this Court deny Plaintiff's Motions. (Report, Doc. 30.) Plaintiff submitted timely Objections (Doc. 31), and Defendant responded to the Objections (Doc. 32).

Thus, the matter is ripe for the Court's review. For the following reasons, the Report (Doc. 30) is ADOPTED in its entirety and Plaintiff's Motions (Docs. 23, 25) are DENIED. Plaintiff's first and third Objections are related, and so the Court examines them together. Plaintiff first objects to the Report's application of an "incorrect and unduly narrow relevance standard." (Objections, Doc.

31, Pg. ID 963.) On this point, the Report highlighted that Plaintiff “clearly states that he does not wish to change the claims or parties established” in the First Amended Complaint. (Report, Doc. 30, Pg. ID 956; see also Motion, Doc. 23, Pg. ID 409.)

The Report points out, though, that the exhibits with which Plaintiff seeks to supplement his pleading are “not clearly tied to” his existing claims against Defendant. (Id.) Plaintiff argues in both his first and third Objections that the supplemental exhibits are tied to his claims because they provide evidence of parties withholding documents related to Defendant.

(Objections, Doc. 31, Pg. ID 963-64.) But, Report finds —and Defendant reiterates in his Response — that none of the parties in these exhibits were mentioned in Plaintiff's First Amended Complaint; accordingly, Plaintiff should not be given leave to supplement his pleading. (Report, Doc. 30, Pg. ID 956; Response, Doc. 32, Pg. ID 984.)

In reaching this conclusion, the Report noted that “it would be unduly prejudicial to allow this supplementation, which would confuse the issues presented in [P]laintiff’s case.” (Doc. 30, Pg. ID 956 (collecting cases).)

To be sure, Plaintiff's First Amended Complaint alleges that Defendant, as county prosecutor in Clinton County, withheld public records from Plaintiff and retaliated against him as a result of Plaintiff's records request and efforts to report misconduct. (First Am. Compl., Doc. 5.) Examining the proposed supplemental pleadings, part of Plaintiff's numerous exhibits allege that CORSA, Clinton County’s insurer, has created conflicts of interest and obstructed access to evidence and public records in connection with the case for which Plaintiff had initially requested records from Defendant.

(Motion, Doc. 23, Pg. ID 397-99.) The exhibits also attempt to allege that an attorney who was appointed a special prosecutor in connection with a citizen affidavit made against Defendant has many connections with the law firm representing Defendant here. (Id. at Pg. ID 398.) Further, the exhibits purport that CORSA had a motive to avoid paying claims related to the county officials’ liability.

(Motion, Doc. 25, Pg. ID 673-74.) While Plaintiff argues that a connection exists between his supplemental exhibits and his existing claims, “[a] court may deny a motion to supplement where it contains a new legal theory, not just events that occurred after the complaint.” *Diamond Electric, Inc. v. Knoebel Construction, Inc.*, No. 5:16-023, 2016 WL 6518625, at *2 (E.D.

Ky. Nov. 2, 2016) (quoting *Koukios v. Ganson*, 229 F.3d 1152 (Table) (6th Cir. 2000)) (cleaned up). Further, Rule 15(d) “does not allow daisy-chaining of unrelated events into a single lawsuit. *Cage v. Harry*, No. 1:09-CV-512, 2010 WL 1254562, at *1 (W.D. Mich. Mar. 26, 2010).

After review, the Court agrees with the Report. None of these proposed exhibits support the existing legal theories and claims in Plaintiff's First Amended Complaint; rather, they bring in new parties and allege new misconduct by those parties. Meanwhile, the First Amended Complaint only acknowledges alleged misconduct of Defendant. Indeed, the Report correctly finds that these exhibits are not relevant to Plaintiff's claims and including them would unduly prejudice Defendant and confuse the claims that are at issue in this case.

Plaintiff's First and Third Objections are overruled. Plaintiff next objects to the Report because it "faults Plaintiff for not adding additional defendants while simultaneously excluding evidence explaining why additional defendants cannot yet be identified." (Objections, Doc. 31, Pg. ID 964.) Yet, the Court disagrees with this characterization of the Report.

The Report does not fault Plaintiff for his failure to add new parties; instead, it points out that Plaintiff specifically stated that he was not intending to add new parties or claims with his supplementation. (Report, Doc. 30, Pg. ID 954.)

The Report notes this because it establishes that, without the addition of new claims, any supplemental pleading must relate only to the existing claims and parties. There is no "catch-22," as Plaintiff argues; since Plaintiff does not seek to add new parties, he can only supplement his pleading under Rule 15(d) to the extent it is tied to his existing claims.

See *Koukios*, 229 F.3d at 1152; see also *Bormuth v. Cnty. Of Jackson*, No. 2:13-CV13726, 2015 WL 13661713, at *1 (E.D. Mich. July 22, 2015). Plaintiff's second Objection is thus overruled. Plaintiff's fourth Objection states that the Report improperly applies Federal Rule of Civil Procedure 8, which requires that a pleading provide a "short and plain statement of the claim showing that the pleader is entitled to relief." (See Objections, Doc.

31, Pg. ID 965; Report, Doc. 30, Pg. ID 956; Fed. R. Civ. P. 8(a)(2).) Plaintiff argues that, although he styled his Motions as pleadings, he did not intend for them to address new causes of action, but instead to explain why records were withheld. But, the Court is not persuaded by this Objection.

As the Supreme Court explained, the "short and plain statement" requirement is intended to "give the defendant fair notice of what the [...] claim is and the grounds upon which it rests. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). And, as courts have found in the past, proposed supplemental pleadings can indeed violate Rule 8. See *Sroka v. Wal-Mart Stores East LP*, No. 2018 WL 8621212, at *6 (E.D.

Mich. Apr. 9, 2018). Specifically, a proposed supplement that is "neither short, nor plain, nor [...] show[s] that Plaintiff is entitled to relief with respect to [his] additional allegations" violates Rule 8. Id. As the Report notes, Plaintiff's "several new filings" violate Rule 8's instruction.

The Court agrees. The exhibits with which Plaintiff seeks to supplement his First Amended Complaint are neither short nor plain, and nor do they show why “Plaintiff is entitled to relief with respect to” her existing allegations, as they are unrelated. *Id.* The fourth Objection is also not well-taken. Plaintiff next takes issue with the Report’s note that he did not file a reply.

(Objection, Doc. 31, Pg. ID 966.) First, the Court notes that, to the extent Plaintiff objects to this finding of fact, the record is undisputed that he did not file a reply to support his Motions. Second, the Court finds that the Report mentions the lack of reply not to support denial of Plaintiff’s Motions, but simply to establish for the record that the Motions are ripe for review, as is the practice of this Court and many courts.

This Objection is also overruled. Finally, Plaintiff’s sixth Objection argues that the Report fails to apply the liberal supplementation standard under Rule 15(d). Plaintiff is correct that, under Rule 15(d), courts generally have “proceeded under the assumption that leave to supplement should be freely given.” *Sunless, Inc. v. Selby Holdings, LLC*, No. 3:20-CV-930, 2021 WL 3513871, at *3 (M.D.

Tenn. Aug. 10, 2021) (cleaned up). But, this assumption does not mean that a party can supplement as a matter of course. *Id.* at *2. Courts maintain “broad discretion” in allowing supplemental pleadings, and the courts in the Sixth Circuit must consider several factors before granting a Rule 15(d) motion, including the relatedness of the original and supplemental pleadings and whether the supplement would impose undue prejudice on the opposing party.

Jones v. State, No. 3:23-CV-1033, at *2 (M.D. Tenn, Oct. 30, 2024). The Report noted that motions for leave to supplement should be liberally granted, but nevertheless considered these factors and found that they weighed against granting Plaintiff leave to supplement. And the Court agrees.

Thus, the Court does not find Plaintiff’s sixth Objection well-taken, either. As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Plaintiff’s Objections are not well-taken and are accordingly OVERRULED.

Thus, the Court ADOPTS the Magistrate Judge’s Report and Recommendation (Doc. 30) in its entirety. Plaintiff’s Motions to Supplement (Docs. 23, 25) are DENIED. IT IS SO ORDERED.
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO
Usb, wi, By: JUDGE MATTHEW W. McFARLAND