

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Uma R. Kandan v. Andrea R. Lucas, Chair, Division (3), Equal
Employment Opportunity Commission

Kandan v. Lucas · No. 2:24-cv-02089 · Decided February 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Defendant’s ex parte motion for leave to file an amended answer. The amendment would add a “same decision” defense to a mixed-motive employment-discrimination theory, and the court finds that allowing it would cause no prejudice and promote judicial efficiency.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	J. Dossier
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	February 9, 2026
DOCKET	2:24-cv-02089
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved ex parte for leave to amend its answer before trial to expressly plead a same-decision defense to a mixed-motive theory.
STANDARD OF REVIEW	The district court exercises discretion under Federal Rule of Civil Procedure 15(b) to permit amendments conforming the pleadings to issues tried by express or implied consent, particularly where no prejudice would result and the interests of justice and judicial economy support amendment.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion to amend
- pleadings
- civil procedure
- employment discrimination

PRACTICE AREAS

- civil procedure
- employment law
- federal employment law
- civil rights

QUESTIONS PRESENTED

1. Whether Defendant should be granted leave under Federal Rule of Civil Procedure 15(b) to amend its answer to plead a same-decision defense to a mixed-motive theory.

HOLDINGS

1. Leave to amend was warranted because the proposed amendment conformed the pleadings to the mixed-motive issue being tried, would not prejudice Plaintiff, and would promote judicial efficiency.

KEY QUOTATIONS

“When an issue not raised by the pleadings is tried by the parties’ express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move—at any time, even after judgment—to amend the pleadings to conform them to the evidence and to raise an unpleaded issue.” (at 1)

“District courts, of course, have discretion to allow late amendments when no prejudice would result to the other party, and the ends of justice so require.” (at 1)

FACTUAL BACKGROUND

Defendant sought to amend its answer to state a same-decision defense to Plaintiff's mixed-motive theory. Before trial, both parties submitted proposed jury instructions addressing mixed-motive and but-for causation, and the court announced that it would instruct the jury on mixed-motive causation.

PROCEDURAL HISTORY

The parties submitted proposed jury instructions addressing mixed-motive and but-for causation. Before trial, the court informed the parties that it would give a mixed-motive causation instruction, after which Defendant sought leave to amend its answer. The court granted the motion because the amendment would not prejudice Plaintiff and would promote judicial efficiency.

DISPOSITION

other

CASES CITED

- *Simi Inv. Co. v. Harris Ctny., Tex.*, 236 F.3d 240, 252 n.16 (5th Cir. 2000)
- *Deere & Co. v. Johnson*, 271 F.3d 613, 621 (5th Cir. 2001)
- *Adams v. 'l Hermann*, 973 F.3d 3438, 354 (5th Cir. 2020)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA UMA R. KANDAN CIVIL ACTION VERSUS NO. 24-2089 ANDREA R. LUCAS, CHAIR, DIVISION (3) EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ORDER AND REASONS Before the Court is Defendant’s Ex Parte Motion for Leave to File Amended Answer (R. Doc. 151).

The motion is granted for the following reasons. Rule 15(b) of the Federal Rules of Civil Procedure provides: When an issue not raised by the pleadings is tried by the parties' express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move—at any time, even after judgment—to amend the pleadings to conform them to the evidence and to raise an unpleaded issue.

Id. (emphasis added). “District courts, of course, have discretion to allow late amendments when no prejudice would result to the other party, and the ends of justice so require.” *Simi Inv. Co. v. Harris Ctny., Tex.*, 236 F.3d 240, 252 n.16 (5th Cir. 2000) (internal citations and quotations omitted). “[T]he principal purpose of Rule 15(b) is judicial economy.” *Deere & Co. v. Johnson*, 271 F.3d 613, 621 (5th Cir.

2001). 1 Defendant seeks leave to amend its answer to state a “same decision” defense to a mixed-motive theory of the case. Prior to trial, both parties submitted proposed jury instructions which contemplated “mixed motive” and “but for” causation.?

On February 5, 2026, the Court informed the parties that it would charge the jury with a mixed-motive causation instruction. Granting Defendant leave to explicitly state the “same decision” defense would not prejudice Plaintiff and would promote the important interest of judicial efficiency.

Accordingly, IT IS ORDERED that the Defendant's Ex Parte Motion for Leave to File Amended Answer (R. Doc. 151) is GRANTED. New Orleans, Louisiana, this 6 day of February, 2026. f J. DOSSIER UNITED STATES MAGISTRATE JUDGE Doc. 151 at 1. 2R. Docs. 115 at 7, 121 at 7. 3 Trial courts are tasked with discerning whether the “but for” or “mixed motive” causation standard is appropriate given the state of the evidence.

See *Adams v. l Hermann*, 973 F.3d 3438, 354 (5th Cir. 2020).