

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Stacey Jackson v. Exelon Business Services Company, LLC, et al.

Jackson · No. Civil Case No. SAG-25-00492 · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Maryland grants Stacey Jackson’s motion for leave to file a Second Amended Complaint in an employment-related retaliation action. The court concludes that amendment is not futile because the proposed pleading adds facts concerning alleged failure to compensate Jackson under a settlement agreement and permits defendants to renew their dismissal arguments after the amended complaint is filed.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Stephanie A. Gallagher
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 26, 2026
DOCKET	Civil Case No. SAG-25-00492
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a Second Amended Complaint after the Court had dismissed some claims and allowed claims against the Exelon Companies to proceed. The Court considered whether amendment would be futile under Federal Rule of Civil Procedure 15.
STANDARD OF REVIEW	The Court applied Federal Rule of Civil Procedure 15(a)(2), under which leave to amend should be freely given when justice so requires, and considered whether the proposed amendment was futile because it was clearly insufficient or frivolous on its face. The decision to grant leave to amend was committed to the Court's discretion.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive but not binding outside the case
PARTIES	Stacey Jackson v. Exelon Business Services Company, LLC, Exelon Corporation, Baltimore Gas and Electric Company, Clifford Glover, Valerie E. Brown, Eric Hemmendinger, Lindsey White

TOPICS

motion to amend

pleadings

motions to dismiss

retaliation

civil procedure

PRACTICE AREAS

civil procedure

employment law

contracts

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a Second Amended Complaint.
2. Whether the proposed amendment was futile because it failed to cure deficiencies identified in the Court's prior dismissal order.

HOLDINGS

1. Leave to amend should be granted because Defendants did not establish prejudice or bad faith, and the proposed Second Amended Complaint was not futile.
2. The proposed amendment was not futile merely because it might not cure deficiencies in claims previously dismissed, where it also included additional facts supporting claims the Court had allowed to proceed.

KEY QUOTATIONS

"However, the Rule requires courts to "freely give leave when justice so requires."" (I. LEGAL STANDARD)

"Accordingly, although this procedure is somewhat lacking in efficiency, in this Court's view, the cleanest record will be produced by permitting Plaintiff's Second Amended Complaint to be filed and then allowing Defendants to re-file their arguments in favor of dismissal, if they so choose, for this Court's substantive consideration under the Federal Rule of Civil Procedure 12(b)(6) standard." (II. DISCUSSION)

FACTUAL BACKGROUND

Plaintiff alleged employment-related retaliation and asserted, among other claims, that the Exelon Companies failed to compensate her under a settlement agreement. The Court had previously determined that Plaintiff pleaded viable claims concerning the alleged failure to compensate under that agreement. Plaintiff's proposed Second Amended Complaint added facts concerning both the previously dismissed claims and the claims allowed to proceed.

PROCEDURAL HISTORY

Plaintiff brought claims arising from alleged employment-related retaliation against the Outside Counsel Defendants, the Exelon Companies, and Clifford Glover. The Court previously granted the Outside Counsel Defendants' motion to dismiss, granted the Exelon Defendants' motion to dismiss as to Glover, and denied it as to the Exelon Companies. Plaintiff then moved for leave to file a Second Amended Complaint. The Court granted leave and permitted Defendants to respond in the ordinary course.

DISPOSITION

other

CASES CITED

- Galustian v. Peter, 591 F.3d 724, 729 (4th Cir. 2010)
- Johnson v. Oroweat Foods Co., 785 F.2d 503, 509-10 (4th Cir. 1986)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND *
STACEY JACKSON * * Plaintiff, * * Civil Case No.: SAG-25-00492 v. * * EXELON
BUSINESS SERVICES * COMPANY, LLC, et al. * * Defendants. * * * * *
MEMORANDUM OPINION Plaintiff Stacey Jackson (“Plaintiff”) brought this action against Valerie E. Brown, Eric Hemmendinger, and Lindsey White (collectively, “the Outside Counsel Defendants”); as well as Exelon Business Services Company, LLC; Exelon Corporation; and Baltimore Gas and Electric Company (collectively, “the Exelon Companies”); and Clifford Glover (together with the Exelon Companies, “the Exelon Defendants,” and all together “Defendants”) for claims arising out of alleged employment-related retaliation.

ECF 1. This Court previously granted the Outside Counsel Defendants’ motion to dismiss and granted the Exelon Defendants’ motion to dismiss as to Mr. Glover but denied it as to the Exelon Companies. ECF 57, 58. Plaintiff has now filed a Motion for Leave to File a Second Amended Complaint. ECF 62. This Court has reviewed the filings, ECF 63, 64, 65, 66, and finds that no hearing is necessary.

See Loc. R. 105.6 (D. Md. 2025). For the reasons explained below, Plaintiff’s motion will be granted. I. LEGAL STANDARD Federal Rule of Civil Procedure 15 permits a plaintiff to amend its pleading once as of right within twenty-one days of service of a motion to dismiss. Fed. R. Civ. P. 15(1)(b). A party seeking to amend its pleading after twenty-one days following service may do so “only with the opposing party’s written consent or the court’s leave.” Fed.

R. Civ. P. 15(a)(2). However, the Rule requires courts to “freely give leave when justice so requires.” Id. The Fourth Circuit’s policy is “to liberally allow amendment.” Galustian v. Peter, 591 F.3d 724, 729 (4th Cir. 2010).

Accordingly, leave to amend should be denied only if “prejudice, bad faith, or futility” is present. See Johnson v. Oroweat Foods Co., 785 F.2d 503, 509–10 (4th Cir. 1986). Ultimately, the decision to grant leave to amend rests in this Court’s discretion. Foman v. Davis, 371 U.S. 178, 182 (1962).

As the Fourth Circuit has stated, a proposed amendment is futile when it “is clearly insufficient or frivolous on its face.” Johnson, 785 F.2d at 510. II. DISCUSSION Defendants do not argue prejudice or bad faith. Rather, they contend that amendment is futile because Plaintiff has failed to rectify the deficiencies that this Court identified in dismissing some of her claims.

This Court did not dismiss all of Plaintiff’s claims, however, and her proposed Second Amended Complaint includes additional facts regarding the claims that this Court allowed to proceed. Namely, the proposed Second Amended Complaint contains additional facts regarding the Exelon Companies’ alleged failure to compensate Plaintiff pursuant to a settlement agreement between Plaintiff and the Exelon Companies.

As this Court previously determined, Plaintiff pled viable claims concerning those facts, so the proposed Second Amended Complaint is not futile regardless of whether the additional facts concerning Plaintiff’s dismissed claims would render those claims sufficient.

Accordingly, although this procedure is somewhat lacking in efficiency, in this Court’s view, the cleanest record will be produced by permitting Plaintiff’s Second Amended Complaint to be filed and then allowing Defendants to re-file their arguments in favor of dismissal, if they so choose, for this Court’s substantive consideration under the Federal Rule of Civil Procedure 12(b)(6) standard.

III. CONCLUSION For the reasons stated above, Plaintiff’s Motion for Leave to File a Second Amended Complaint, ECF 62, will be granted, permitting the Second Amended Complaint to be docketed. Defendants should respond to the Second Amended Complaint in the ordinary course. A separate Order follows. Dated: March 26, 2026 /s/ Stephanie A. Gallagher United States District Judge