

91 F.3d 385, *, 1996 U.S. App. LEXIS 19807, **;
35 Fed. R. Serv. 3d (Callaghan) 1352

PRIOR HISTORY: [****1**] Appeal from an order of the United States District Court for the Southern District of New York (McKenna, J.) denying appellants' motion for leave to amend their complaint to add additional plaintiffs, the district court having found that the claims of the additional plaintiffs did not relate back to the date of the filing of the complaint and therefore were time-barred under the applicable statutes of limitations.

DISPOSITION: Appeal dismissed.

CASE SUMMARY:

PROCEDURAL POSTURE: Appellant investors challenged an order from the United States District Court for the Southern District of New York that denied the motion to amend their complaint to add additional plaintiffs after holding that the claims of additional plaintiffs did not relate back to the date of the filing of the complaint and therefore were time-barred under the applicable statutes of limitations.

OVERVIEW: Appellant investors filed a complaint against appellee corporations and individuals alleging schemes to defraud them and later moved to amend the complaint to add additional plaintiffs as parties. The proposed amendment alleged that appellees defrauded additional plaintiffs by nearly identical schemes. The district court denied this motion after finding that the claims of additional plaintiffs did not relate back to the date of the filing of the complaint and therefore were time-barred under the applicable statutes of limitations. On appeal, the court dismissed the appeal for lack of jurisdiction, holding that the district court's ruling was not a final judgment under Fed. R. Civ. P. 54(b). The order did not dispose of all of appellants' claims against each appellee, and the district court did not certify the order by making an express determination that there was no just reason for delay or by directing entry of judgment pursuant to Rule 54(b). Thus, the order was interlocutory and therefore unappealable. The order was also unappealable under the collateral order exception to the final judgment rule because the court could still review it on appeal from a final judgment.

OUTCOME: The court dismissed an appeal by appellant investors that challenged the district court's denial of their motion to amend the complaint to add additional plaintiffs for lack of jurisdiction because that order was interlocutory and therefore unappealable.

CORE TERMS: amend, final judgments, leave to amend, certification, time-barred, statutes of limitations, appealable, certify, common law, denying leave to amend, causes of action, summary judgment, jurisdiction to hear, interlocutory orders, entry of judgment, present case, immediate appeal, immediately appealable, collateral order, interlocutory, finality, defraud, dispose

LexisNexis(R) Headnotes

Civil Procedure > Judgments > Entry of Judgments > Multiple Claims & Parties

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