IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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CHARLIE HARDY,

                                                                      ORDER
                              Plaintiff,

                                                                 12-cv-872-bbc
              v.

STONE HOUSE DEVELOPMENT
and KASIE SUTTERLAND,

                              Defendants.

- -

    Pro se plaintiff Charlie Hardy is proceeding on claims of discrimination under the Fair

Housing Act, 42 U.S.C. § 3604(a), and the Civil Rights Act, 42 U.S.C. §§ 1981 and 1982,

alleging that she was threatened with eviction and faced other harms related to her housing,

as a result of her race. Now before the court is plaintiff's motion to "amend" her complaint

under Fed. R. Civ. P. 15 to add Angela Brockmann as a defendant. Dkt. #32. I am denying

this motion because it is untimely and unfairly prejudicial. Park v. City of Chicago, 297

F.3d 606, 612 (7th Cir. 2002) (district court may deny plaintiff leave to amend if there is

undue delay, undue prejudice to opposing party or if amendment would be futile).

    Plaintiff filed this case more than a year ago and a pretrial conference order was issued

more than five months ago, yet plaintiff does not explain why she waited until now to seek

to add this defendant. She has known about Brockmann since she filed her original

complaint, in which she named Brockmann as a defendant and said that Brockmann was

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responsible for the discrimination she experienced. Dkt. #1. Furthermore, after I dismissed that complaint for failure to state a claim under Fed. R. Civ. P. 8, plaintiff alleged in her amended complaint that Brockmann was the person directly responsible for committing acts of harassment and discrimination against plaintiff. Dkt. #8. However, plaintiff did not name Brockmann as a defendant in her amended complaint, dkt. #9, so Brockman was dismissed from the suit. (Plaintiff was warned in the order giving her leave to file an amended complaint that "the amended complaint will replace the original complaint." Dkt. #5.) In the same amended complaint, plaintiff failed to name Kasie Sutterland (Brockmann's supervisor) as a defendant, yet when she promptly filed a supplement to her complaint asking the court to add Sutterland as a defendant, dkt. #17, her request was granted. It is not clear why plaintiff did not take that opportunity to seek to add Brockmann as well. (She did seek to add a defendant named "Ms. Murphy," but she had not alleged any facts about this defendant, so her request was denied.)

Attached to plaintiff's motion is additional documentation about her eviction notice, including a summons and five-day termination notice (both signed by Brockmann), as well as a ledger for her rental payments to Stone House Development. Plaintiff says she received the documents only recently. However, even without these documents, plaintiff has always contended that Brockmann was the employee directly responsible for the discrimination plaintiff experienced, and that defendants' threats to evict her arose from this discrimination. Thus, the late arrival of the documents does not excuse plaintiff's delay.

Allowing plaintiff to add new a defendant at this time would require substantial

revisions to the schedule to allow Brockmann time to accept service, answer the complaint and conduct her own discovery. Moreover, the deadline for dispositive motions, April 11, 2014, is nearing. Extending the deadlines would be prejudicial to the present defendants, who have likely expended time preparing these motions. Accordingly, plaintiff's motion to add Brockmann as a defendant will be denied.

Plaintiff states in her motion that she believes defendants (and Brockman) "were making false claims and stealing from [her]," dkt. #32, at 2, and that she believes criminal charges should be filed. Because she fails to allege any facts about these claims and because this court has no authority to undertake a criminal investigation, I am also denying her motion insofar as she seeks to add new claims about alleged criminal acts.

ORDER

IT IS ORDERED that plaintiff Charlie Hardy's motion to amend her complaint, dkt. #32, is DENIED.

Entered this 5th day of March, 2014

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge