

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARGARET LEE, On Behalf of Herself)
and All Others Similarly Situated,)

Plaintiff,)

v.)

CONAGRA BRANDS, INC.)

Defendant.)

Civil Action No. 1:17-cv-11042-NMG

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff Margaret Lee moves for leave to amend her complaint. As set forth more fully in the accompanying memorandum in support of this motion, the proposed amended complaint conforms to the evidence offered at summary judgment (*see* ECF 75, 76, 77) by adding factual allegations that, at the time Plaintiff filed her complaint, Conagra maintained no place of business and kept no assets in the Commonwealth. The proposed amended complaint also removes references to retailer defendants Plaintiff named in her prior complaint but later voluntarily dismissed. *See* ECF 33 (voluntary dismissal of retailer defendants), and withdraws the request for injunctive relief against Conagra, as Conagra no longer sells Wesson Oil, having sold the Wesson Oil brand in December 2018. Plaintiff's proposed amended complaint is attached to this motion as Exhibit 1.

Given the liberal standard for amendments to a complaint under Fed. R. Civ. P. 15(a)(2), and that this case remains at the early stages (Conagra only answered the complaint a few months ago, ECF 65), Plaintiff respectfully requests that the Court grant this motion for leave for Plaintiff to file an amended complaint.

Dated: November 6, 2020

Respectfully submitted,

/s/ Patrick J. Vallely

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(a)(2), I hereby certify that I conferred with counsel to Defendant concerning the relief requested in this motion on November 3 and 5, 2020. Conagra did not agree to the relief requested through this motion.

Dated: November 6, 2020

/s/ Patrick J. Vallely

Patrick J. Vallely

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading was filed electronically through the Court's electronic filing system and that notice of this filing will be sent to all counsel of record in this matter by operation of the Court's ECF system.

Dated: November 6, 2020

/s/ Patrick J. Vallely

Patrick J. Vallely