

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

_____)	
SIG SAUER, INC.)	
)	
	<i>Plaintiff,</i>)	
)	Civil Action No.: 3:22-cv-00885-JAM
	v.)	
)	September 7, 2022
JEFFREY S. BAGNELL, ESQ., LLC,)	
and JEFFREY S. BAGNELL.)	
)	
	<i>Defendants.</i>)	
_____)	

PLAINTIFF’S RESPONSE
TO DEFENDANTS’ “OBJECTION TO AMENDED COMPLAINT”

Plaintiff SIG Sauer, Inc. (SIG) respectfully requests that the Court deny Defendants’ “Objection to Amended Complaint” (the “Objection”) on the basis that SIG timely amended its complaint as of right. On September 7, 2022 SIG filed an Amended Complaint (Dkt 62) together with its Renewed Motion For Preliminary Injunction and supporting documents (Dkt. 63). Shortly thereafter Defendants filed their Objection asserting that “Sig’s Amended Complaint filed today is out of time and filed without leave of Court or consent of defendants.” Dkt. 64. In fact, SIG timely filed its Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) and the parties’ March 28, 2022 Joint Stipulation Regarding Scheduling (Dkt. 11), and did so in accordance with this Court’s Order on Pretrial Deadlines (Dkt. 40).

First, the docket entry accompanying this Court’s Order on Pretrial Deadlines (Dkt. 40) sets out the deadline (September 10) by which Amended Pleadings are to be filed, stating: “Order on Pretrial Deadlines: Amended Pleadings due by 9/10/2022 Discovery due by 1/11/2023

Dispositive Motions due by 2/15/2023 Signed by Clerk on 7/12/2022. (Carr, Dave) (Entered: 07/13/2022).” SIG’s filing was within that deadline.

Second, Federal Rule of Civil Procedure 15(a)(1)(B) authorizes a party to amend its complaint once as a matter of course within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f).” Because Defendants have filed neither a responsive pleading nor any motion under Rule 12(b), (e), or (f), SIG timely filed its Amended Complaint under the Federal Rules of Civil Procedure.

Finally, it should be noted that on March 28, 2022 the parties stipulated that “the Bagnell parties shall have until twenty-one (21) days after the Court’s decision on Sig Sauer’s Motion for Preliminary Injunction to respond to the Complaint.” Dkt. 19. The District of New Hampshire transferred this case to the District of Connecticut on the basis that it lacked personal jurisdiction over Defendants prior to ruling on SIG’s motion for preliminary injunction. The Stipulation remains in effect, and as a result Defendants’ time to respond to the complaint has not yet elapsed and Defendants have not yet filed responsive pleadings. As a consequence, pursuant to Rule 15(a)(1)(B), SIG is permitted to amend its complaint as of right, without need for a motion or consent of any party.

For the reasons set forth above, SIG Sauer respectfully requests that this Court deny Defendants’ Objection to Amended Complaint.

Dated: September 7, 2022

Respectfully submitted,

SIG Sauer, Inc.

By its attorneys,

/s/ James R. Smart

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2022, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ James Ross Smart

James Ross Smart