

# Successfully Moved for a Dismissal of an Amended Complaint with Prejudice Where the Plaintiff Changed Basic Factual Allegations Between the Initial and Amended Pleading

Michael Barnes successfully moved for dismissal of an amended complaint with prejudice where the plaintiff changed basic factual allegations between the initial and amended pleading. At the outset of the plaintiff alleged a slip and fall on snow and ice, but in an amended pleading after the statute of limitations expired alleged she slipped on water on the floor of the aisle in a store. The court determined that the new allegations did not relate back to the initial complaint and were therefore untimely.

## PROFESSIONALS

Michael D. Barnes  
Partner

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