

Maine State Legislature Law & Legislative Reference Library

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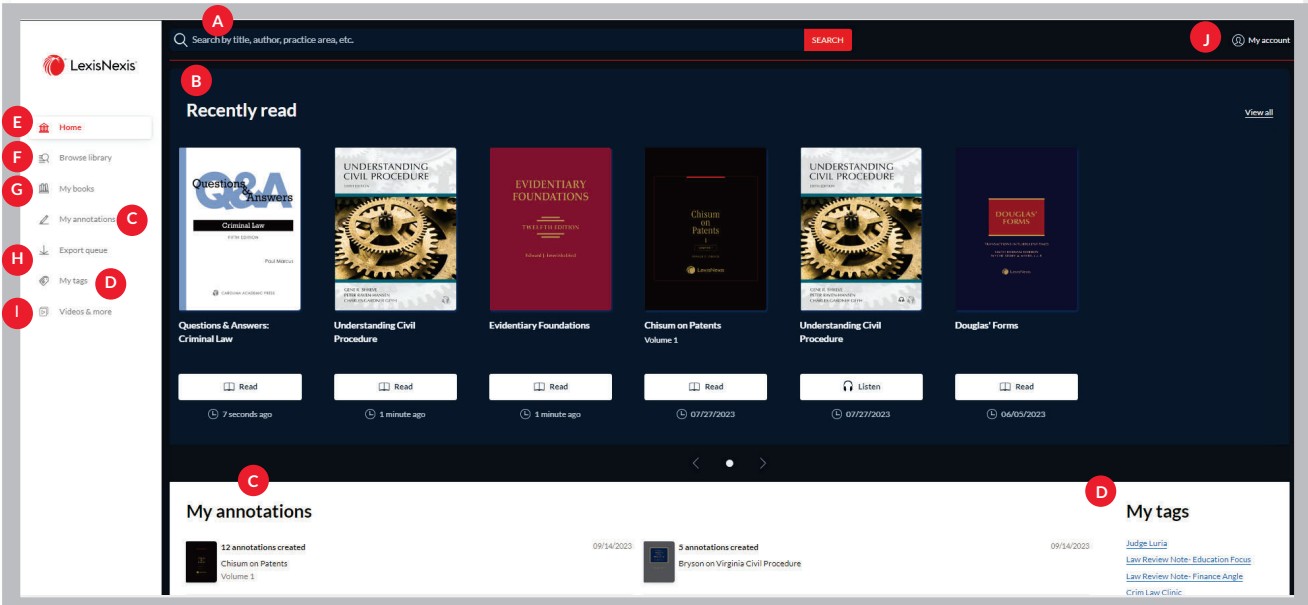
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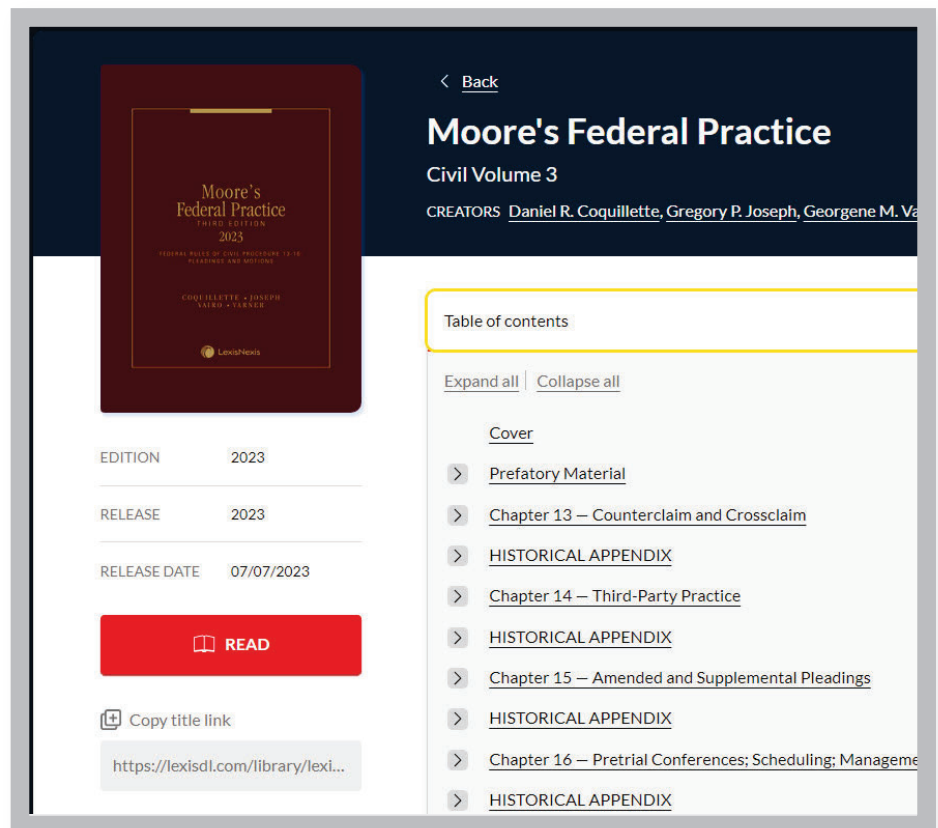


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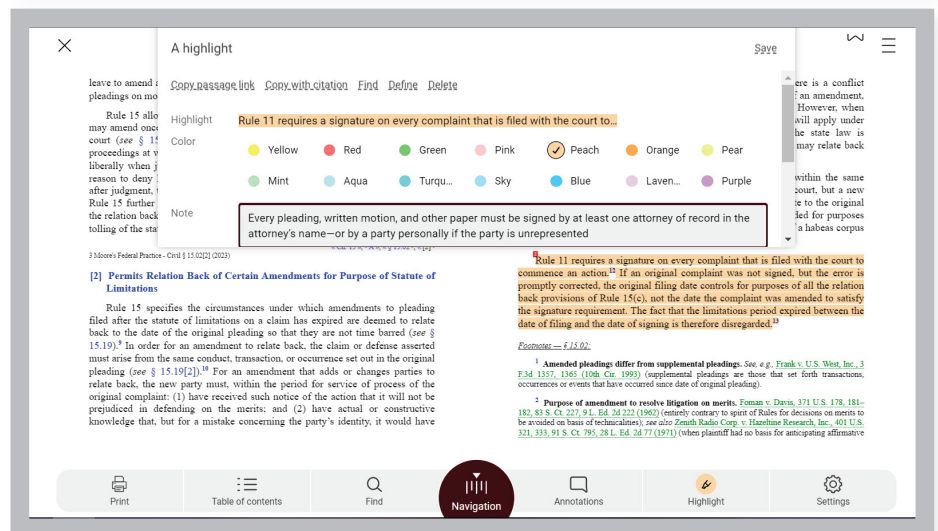
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A highlight

Rule 11 requires a signature on every complaint that is filed with the court to...

Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented

2) Permits Relation Back of Certain Amendments for Purpose of Statute of Limitations

Rule 15 specifies the circumstances under which amendments to pleading filed after the statute of limitations on a claim has expired are deemed to relate back to the date of the original pleading so that they are not time barred (see § 15.19).¹ In order for an amendment to relate back, the claim or defense asserted must arise from the same conduct, transaction, or occurrence set out in the original pleading (see § 15.19(2)).² For an amendment that adds or changes parties to relate back, the new party must, within the period for service of process of the original complaint: (1) have received such notice of the action that it will not be prejudiced in defending on the merits; and (2) have actual or constructive knowledge that, but for a mistake concerning the party's identity, it would have

Rule 11 requires a signature on every complaint that is filed with the court to commence an action.³ If an original complaint was not signed, but the error is promptly corrected, the original filing date controls for purposes of all the relation back provisions of Rule 15(c), not the date the complaint was amended to satisfy the signature requirement. The fact that the limitations period expired between the date of filing and the date of signing is therefore disregarded.⁴

Footnote — § 15.07:

¹ Amended pleadings differ from supplemental pleadings. See e.g., *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993) (supplemental pleadings are those that set forth transactions, occurrences or events that have occurred since date of original pleading).

² Purpose of amendment to resolve litigation on merits. *Foman v. Davis*, 371 U.S. 178, 181–182, 83 S. Ct. 277, 9 L. Ed. 2d 272 (1962) (entirely contrary to spirit of Rule for decisions on merits to be avoided on basis of technicalities); see also *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 333, 91 S. Ct. 795, 28 L. Ed. 2d 77 (1971) (when plaintiff had no basis for anticipating affirmative



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