

09-337 KRUPSKI V. COSTA CROCIERE, S.P.A.

DECISION BELOW:330 Fed.Appx. 892

LOWER COURT CASE NUMBER: 08-16569

QUESTIONS PRESENTED:

Fed. R. Civ. P. 15(c)(l)(C) Permits An Amended Complaint To "Relate Back", For Limitation Purposes, When The Amendment Corrects A, "Mistake Concerning The Proper Party's Identity". Other Circuit Courts of Appeal Construe The Rule As Applying To Substitution Of The Correct Defendant For A Related Corporation With A Similar Name. The Eleventh Circuit Has Concluded That There Can Be No Such "Mistake" Where The Plaintiff Had Imputed Knowledge Of The Identity Of The Added Defendant Prior To Filing Suit. Does The Eleventh Circuit Construction Of Rule 15(c)(l)(C) Undermine The Purpose Of The Rule And Is It Inconsistent With The Decisions In Other Circuits?

CERT. GRANTED 1/15/2010

EXPEDITED BRIEFING SCHEDULE.