

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DENNIS WHITE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 21-CV-10952-LTS
THE CITY OF BOSTON and ACTING MAYOR)	
KIM JANEY,)	
)	
Defendants.)	

**PLAINTIFF DENNIS WHITE’S MOTION FOR
LEAVE TO AMEND THE COMPLAINT**

Plaintiff Dennis White respectfully requests leave to amend the complaint in the above-captioned matter. As grounds for this motion, Mr. White states as follows:

1. Mr. White filed his original complaint on May 14, 2021 on an emergency basis. He was notified that morning that Acting Mayor Kim Janey (“the Acting Mayor”) and the City of Boston (“City”) intended to terminate him that afternoon at a 3:00 p.m. hearing. Mr. White sought a declaration of his rights and a preliminary injunction to ensure his due process rights were satisfied in connection with the planned termination. As a result of his filing, the termination hearing was stayed for the Court to consider the preliminary injunction motion.

2. Prior to the hearing on the preliminary injunction motion, Mr. White amended the complaint as of right to add a demand for an appropriate name-clearing hearing, which the City and Acting Mayor are required constitutionally to provide.

3. After the Court denied the preliminary injunction motion, the Acting Mayor and the City terminated Mr. White on June 7, 2021.

4. Mr. White now seeks to bring nine new claims arising largely from that termination and requests leave to file the Second Amended Complaint, which is attached hereto at Exhibit 1. More specifically, he seeks to assert claims for (i) a stigmatizing termination in violation of his constitutional rights, (ii) gender discrimination, (iii) race discrimination, (iv) violation of the Massachusetts Civil Rights Act, (v) defamation, (vi) violation of Chapter 322, Section 7, of the Acts of 1962 (the “Commissioner’s Removal Statute”), (vii) breach of implied contract, (viii) breach of the covenant of good faith and fair dealing, and (ix) violation of his privacy rights as protected by G.L. c. 214, § 1B. Mr. White also continues to seek an injunction that would require a constitutionally mandated name-clearing hearing.

5. These new claims arise from new facts and circumstances.

6. It is well-established that leave to amend a complaint should be freely granted. *See Steir v. Girl Scouts of the USA*, 383 F.3d 7, 11-12 (1st Cir. 2004) (internal citations omitted) (Fed. R. Civ. P. 15(a)(2) directs that leave to amend is to be “freely given when justice so requires” . . . unless the amendment “would be futile, or reward, inter alia, undue or intended delay.”). This liberal policy toward amending a pleading is especially strong where, as here, new facts and circumstances warrant the amendment. *See Torres-Alamo v. Puerto Rico*, 502 F.3d 20, 25-25 (1st Cir. 2007) (Rule 15(a) embodies liberal standard for judging motion for leave to file amended complaint). Further, courts are inclined to grant leave to amend a complaint in light of recent developments in the early stages of litigation. *See e.g. Therrien v. Int’l Bhd. of Teamsters, Chauffers, Warehousemen & Helpers of Am.*, No. CIV.A. 88-0746-Z, 1988 WL 72556, at *1 fn. 1 (D. Mass. May 31, 1988) (allowing motion for leave to add recent developments); *FM Generator, Inc. v. MTU Onsite Energy Corp.*, No. CV 14-14354-DJC, 2016 WL 11660537, at *5 (D. Mass. Aug. 11, 2016).

7. The added facts and claims are not futile, as they are central to the damages and injuries that Mr. White has suffered as a result of Defendants' recent unlawful conduct.

8. There is no undue delay, as Mr. White has diligently and promptly sought to amend his First Amended Complaint within weeks of his termination and the removal of this case to Federal Court.

9. No party will be prejudiced by the proposed amendments as the matter is still in the earliest stage of litigation, even prior to the Court's establishment of the scheduling order.

10. Mr. White has been grievously harmed by the Acting Mayor and the City, and he needs to amend the complaint to ensure that his right to pursue full relief before this Court is protected.

WHEREFORE, Mr. White respectfully requests that this Court:

A. Allow Mr. White's motion for leave to amend his complaint and to file the attached Second Amended Complaint; and

B. Grant such other relief as the Court deems just and proper.

Respectfully submitted,
DENNIS WHITE,

By his attorneys,



Nicholas B. Carter (BBO No. 561147)
Tara D. Dunn (BBO No. 699329)
TODD & WELD, LLP
One Federal Street, 27th Floor
Boston, MA 02110
Tel: (617) 720-2626
Email: ncarter@toddweld.com
tdunn@toddweld.com

Dated: June 30, 2021

LOCAL RULE 7.1 CERTIFICATE

Under Local Rule 7.1(a)(2), undersigned counsel certifies that they have conferred with counsel for Plaintiff on June 21, 2021, and have attempted in good faith to resolve or narrow the issues for the Court. The parties were unable to reach agreement.

/s/ Nicholas B. Carter
Nicholas B. Carter

Certificate of Service

I hereby certify that this document has been filed on June 30, 2021 through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Nicholas B. Carter
Nicholas B. Carter