

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Nadine “Nina” Copley,

Plaintiff,

v.

Robert Braxton Jarratt, III,

Defendant.

Action No.: 1:26-cv-02622-SEG

Honorable Sarah E. Geraghty

**DEFENDANT’S MOTION FOR LEAVE TO FILE A SECOND
AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**

Defendant/Counterclaimant Robert Braxton Jarratt, III (“Defendant”), pursuant to Federal Rule of Civil Procedure 15(a)(2) and the parties’ pending consent motion to set the deadline for this Motion (DE 16), respectfully moves for leave to file his Second Amended Answer, Affirmative Defenses, and Counterclaims (the “Second Amended Answer”), a copy of which is attached hereto in clean form as **Exhibit A** and in a form redlined against DE 15 as **Exhibit B**. In support of this Motion, Defendant respectfully shows the Court as follows:

1. Plaintiff Nadine “Nina” Copley (“Plaintiff”) filed her Complaint on May 8, 2026, asserting claims for battery, intentional infliction of emotional distress, and defamation. (DE 1.)

2. After two consented-to extensions (DE 9, 12), Defendant timely filed his Answer, Affirmative Defenses, and Counterclaims on August 27, 2026 (DE 13), and filed his First Amended Answer, Affirmative Defenses, and Counterclaims on August 28, 2026, to correct minor clerical errors in the August 27 filing (DE 15).

3. On September 14, 2026, Plaintiff's counsel provided Defendant with the legal authority that Plaintiff contends supports dismissal of the counterclaims and advised that Plaintiff intends to move to dismiss them.

4. Rather than have the parties brief a motion to dismiss that Defendant's amendment may render moot, Defendant elected to seek leave to file the Second Amended Answer, which addresses the issues Plaintiff has raised.

5. On September 16, 2026, the parties filed a consent motion to set the deadline for this Motion and to establish Plaintiff's corresponding deadlines to respond to the counterclaims. (DE 16 (the "Consent Motion").) Although the Court has not ruled on that motion, Defendant is filing this Motion by the deadline set therein, to honor the parties' agreement.

6. Leave to amend should be freely given. Federal Rule of Civil Procedure 15(a)(2) provides that, after a responsive pleading has been served, a party may amend its pleading with the Court's leave, and that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

7. This is Defendant's first request for leave to amend under Rule 15(a)(2). The prior First Amended Answer (DE 15) was filed only to correct minor clerical errors in the original pleading (DE 13), not to add or alter substantive matter.

8. Granting leave will not result in undue delay, and Defendant brings this Motion in good faith and not for any dilatory purpose. The parties have just completed a Rule 26(f) conference, and discovery has not yet opened. The circumstances giving rise to this Motion were unanticipated and arose recently when Plaintiff indicated she intended to seek dismissal of certain counterclaims. and the parties agreed to a process allowing the issues to potentially be resolved by amendment rather than by motion practice.

9. Plaintiff will not be unduly prejudiced by the amendment, as her agreement to the Consent Motion tacitly admits. The Second Amended Answer arises out of the same transactions and occurrences already at issue in this action, discovery has not yet started, and no trial date has been set.

10. The proposed amendments are not futile. The Second Amended Answer refines and supports Defendant's counterclaims to address the alleged deficiencies Plaintiff has asserted, and it states claims upon which relief can be granted.

11. To the extent the Court's scheduling order requires a showing of good cause under Federal Rule of Civil Procedure 16(b)(4), good cause exists. Defendant has acted diligently, moving for leave promptly after Plaintiff first identified her intended grounds for dismissal on September 14, 2026, and within the deadline the Court expressly set for this Motion. Fed. R. Civ. P. 16(b)(4).

12. This Motion does not seek to alter any other deadline. Discovery and all other deadlines remain unaffected and shall proceed on the existing schedule.

WHEREFORE, Defendant respectfully requests that the Court grant this Motion for Leave to File a Second Amended Answer, Affirmative Defenses, and Counterclaims and permit Defendant to file the Second Amended Answer, Affirmative Defenses, and Counterclaims attached hereto as **Exhibit A**.

Dated: September 22, 2026

/s/ C. Celeste Creswell
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LOCAL RULE 7.1(D) CERTIFICATE OF COMPLIANCE

Under Local Rule 7.1(D), the undersigned counsel certifies that she prepared the foregoing document in Times New Roman, 14-point font, one of the font and point selections that Local Rule 5.1(C) approves.

/s/ C. Celeste Creswell

C. Celeste Creswell

CERTIFICATE OF SERVICE

I certify that on this 22nd day of September, 2026, I electronically filed the foregoing **DEFENDANT’S MOTION FOR LEAVE TO FILE A SECOND AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**, together with the accompanying exhibits, with the Clerk of Court using the CM/ECF system, which will send electronic notice of the filing to all counsel of record.

Dated: September 22, 2026

/s/ C. Celeste Creswell
C. Celeste Creswell