

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JESSICA GOBER <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	Case No. 1:25-CV-00714 (RC)
	)	
v.	)	
	)	CLASS ACTION
DOUGLAS COLLINS, <i>et al.</i> ,	)	
	)	JURY TRIAL DEMANDED
<i>Defendants.</i>	)	
	)	

**PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO AMEND THE COMPLAINT**

Comes Now the remaining Plaintiffs, Sean McClary, Andrea Sassard and Deven Tines, by and through undersigned counsel, with their Motion for Leave to Amend the Complaint, and state as follows:

Defendants have filed a motion to dismiss. Several of the Plaintiffs have withdrawn their claims, largely due to having taken advantage of the deferred resignation program (hereinafter "DRP"). The remaining Plaintiffs seek leave to amend the Complaint to reflect the current state of affairs and to modify the basis of their claims. Amendment will not prejudice any party or substantially delay proceedings in this case, and Defendant does not oppose to the relief requested. Plaintiff's Second Amended Complaint (hereinafter "SAC") is attached hereto as EXHIBIT 1. EXHIBIT 2 is a redline comparison document.

For the reasons developed in the attached Memorandum of Law, this motion is sound and should be GRANTED.

Respectfully submitted,

/s/Pamela M. Keith

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CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing Plaintiff's Unopposed Motion for Leave to Amend the Complaint was sent by electronic filing on this 26th day of August 2025 to:

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/s/Pamela M. Keith
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**MEMORANDUM OF LAW
IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO AMEND THE COMPLAINT**

COMES NOW Plaintiffs, by and through undersigned counsel, and respectfully move this Honorable Court for Leave to Amend the First Amended Complaint in response to Defendant's Motion to Dismiss. Much has changed since the Complaint was originally filed, and several Plaintiffs have withdrawn their claims. The remaining Plaintiffs now modify their claims in light of current circumstances and in response to the Court's ruling on the Motion for a Preliminary Injunction.

It is well established Supreme Court precedent that the Federal Rules of Civil Procedure liberally allow leave to amend a complaint. *Foman v. Davis*, 372 U.S. 178, 182 (1962) (discussing Rule 15(a)) ("The court should freely give leave when justice so requires.") (*citing* Fed. R. Civ. P. 15(a)(2)). The District of Columbia Circuit Court of Appeals has adopted *Islamic American Relief Agency v. Gonzales*, 477 F.3d 728, 738 (D.C. Cir. 2007) ("Leave to amend one's complaint is liberally permitted.") (*citing* Fed.R.Civ.P 15(a) leave to amend a pleading "shall be freely given when justice so requires"); *Foman v. Davis*, 371 U.S. at 182.

Generally, Rule 15(a)(2) should "be construed liberally" to permit a plaintiff to amend her complaint, unless there is a good reason to deny her that leave. *Branch v. Spencer*, Civil Action No. 16-1713 (TJK), at *16 (D.D.C. Sep. 10, 2019). Good reasons include "undue delay, bad faith or dilatory motive on the part of the movant, . . . [or] undue prejudice to the opposing party." *Belizan v. Hershon*, 434 F.3d 579, 582 (D.C. Cir. 2006). (alteration in original) (quoting *Foman*, 371 U.S. at 182).

Importantly, the interest of judicial efficiency is best served by allowing Plaintiff to amend and add factual clarification to their claims. *See Childers v. Mineta*, 205 F.R.D. 29 (D.D.C. 2001) (granting leave to amend for purposes of judicial efficiency). There is no prejudice of any kind to Defendant inasmuch as discovery has not yet begun in this case, and there is no element of surprise or unfairness. As held in *Childers v. Mineta*, 205 F.R.D. 29, 32 (D.D.C. 2001):

To determine whether to grant or deny a party's motion for leave to amend, the court should consider the threat of prejudice to the opposing party:

This entails an inquiry into the hardship to the moving party if leave to amend is denied, the reasons for the moving party failing to include the material to be added in the original pleading, and the injustice resulting to the party opposing the motion should it be granted.

6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice & Procedure*, § 1487 at 621, 623 (3d ed. 2001).

Application of this balancing test clearly favors granting the relief requested. The hardship on Plaintiffs should it be denied is dismissal of all of their claims. In this case, Plaintiffs have substantially modified their claims and added factual detail necessary to support their claims. The final element also favors Plaintiffs because there is no harm or prejudice to Defendant at all in allowing for amendment to establish that Plaintiff's claims are justiciable.

In accordance with LRCvP (7), Plaintiff sought consent for the relief request from Defendant, and Defendant consents to the relief requested.

CONCLUSION

For these reasons, Plaintiff's Unopposed Motion for Leave to Amend the First Amended Complaint is sound, and should be GRANTED.

Respectfully submitted,

/s/ Pamela M. Keith

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_____	)	

ORDER

UPON CONSIDERATION of Plaintiffs' Unopposed Motion for Leave to Amend the Complaint, and their Memorandum of Law in support thereof, and the record herein, it is this ____ day of _____, 2025, hereby ORDERED, that the Motion is GRANTED. The First Amended Complaint will be entered as the compliant of record

Judge Rudolph Contreras

Copies to:

Attorneys of Record