

In re CHATAM, INC. a/k/a Chatham, Inc., Debtor

Daniel L. Bakst, Trustee in Bankruptcy for Chatam, Inc., Plaintiff,

v.

Stephen J. Dellaquila; Donna Lord Dellaquila
a/k/a Donna Lord; et al., Defendants

No. 96-32589-BKC-SHF

Adv. No. 97-0498-SHF-A

(Cite as: 239 B.R. 837)

The Court denied the defendant motion for leave to amend its answer. In exercising its discretion to permit amendment of pleadings, the Court considers such factors as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, and futility of amendment. In the instant case, the motion to amend was filed nearly two years after the Court entered summary judgment against the defendant which clearly constituted undue delay. Furthermore, amendment of the defendant's answer would prejudice the plaintiffs. Finally, the defendant's proposed amendment would be futile as a matter of law.