

**IN THE CIRCUIT COURT OF THE 6TH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA**

BIG BAD BANK

Plaintiff,

vs.

CASE NO: 12345678

JOHN DOE, ET AL,

Defendant.

_____ /

**MOTION FOR LEAVE TO FILE AMENDED ANSWER AND
COUNTERCLAIMS**

Defendant, JOHN DOE, respectfully requests leave to file the attached Amended Answer and Counterclaims pursuant to Fla. R. Civ. P. 1.190(a) and (e). The defendant states that as a pro-se litigant, it has taken him additional time to become familiar with his legal defenses, and is only now aware of his legal defenses and counterclaims, and now wishes to assert the same.

Leave to amend should be liberally granted; it should not be denied unless the privilege has been abused, there is prejudice to the opposing party, or amendment would be futile.

Torrey v. Leesburg Reg'l Med. Ctr., 769 So.2d 1040 (2000), quoting North Am.

Specialty Ins. Co. v. Bergeron Land Dev., Inc., 745 So. 2d 359, 362 (Fla. 4th DCA 1999)

(“Florida Rule of Civil Procedure 1.190(a) provides that leave to amend shall be liberally granted... As a general rule, ‘leave to amend should not be denied unless the privilege has been abused, there is prejudice to the opposing party, or amendment would be futile.’”)

Here, the Defendant respectfully submits he has not abused this privilege, becoming

aware of his defenses and counterclaims only upon new legal research, the plaintiff would not be unduly prejudiced by the amendment, and the amendment would provide defendant substantive defenses, and therefore not be futile. Additionally, as stated in his attached affidavit, defendant states that he used his entire life saving as a down payment to purchase the property subject to this action, and losing it without an opportunity to fully defend his position would be devastating. Although the Amended Answer is late coming, Defendant respectfully submits permitting the Amended Answer would help facilitate justice, and ensure a family's life savings does not evaporate without defense.

WHEREFORE, Defendant respectfully request leave from this Court to file his Amended Answer and Counterclaims.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was sent on May _____, 2009 via

U.S. Mail to:

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