

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Rylan Brantl,)	
)	
)	
v.)	Case No. 2:18-cv-04130-MDH
)	
The Curators of the University of Missouri,)	
)	
)	
)	
)	
)	

PLAINTIFF’S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

COMES NOW, Plaintiff Rylan Brantl, pursuant to F.R.C.P. 15(2), submits his Motion for Leave to File an Amended Complaint as follows:

1. Plaintiff requests leave to amend his complaint to plead sufficient facts that the Defendant is not an arm of the State of Missouri and therefore not entitled to Eleventh Amendment immunity.

2. Upon knowledge and belief, Plaintiff and his attorney can aver sufficient facts that:
 - a. Defendant’s proprietary and non-essential functions are equal to or greater than any "essential" or "traditional" governmental function it may offer;
 - b. Defendant exercises substantial autonomy over its internal operations;
 - c. Defendant enjoys meaningful access to, and control over, funds not appropriated from the State treasury;
 - d. Defendant possesses the status of a separate "public corporation";
 - e. Defendant may sue and be sued in its own name;
 - f. Defendant can enter into contracts in its own name;
 - g. Defendant does not have a state tax exemption on its property subject to leaseholds

with proprietary interests; or

- h. Defendant has been expressly debarred from incurring debts in the State's name or behalf.

See Metcalf & Eddy, 991 F.2d at 939-40; *In re San Juan DuPont Plaza Hotel Fire Litigation*, 888 F.2d 940, 942 (1st Cir.1989); *Ainsworth Aristocrat Int'l Pty, Ltd. v. Tourism Co. of Puerto Rico*, 818 F.2d 1034, 1038 (1st Cir.1987).

3. Plaintiff also requests leave to amend his petition to possibly add a federal claim. Plaintiff is currently investigating whether he has actionable federal claims as the Defendant is the recipient of Federal funds to support its medical residency program. In that Defendant's neurosurgery program has been placed on probation and its accreditation placed in jeopardy due to its failure to adhere to ACGME guidelines, this raises the distinct possibility that Defendant has violated Federal statutes and regulations governing the uses of Federal funds in its Neurosurgery residency program.

4. Should Plaintiff have a private cause of action under Federal law and any applicable statute of limitations period has not been exhausted, then an amended pleading that included a Federal claim would not be subject to dismissal on the basis of Eleventh Amendment immunity.

WHEREFORE, Plaintiff prays that the Court sustain his Motion for Leave to Amend and grant him until October 1, 2018 to file said Amended Complaint, and for such other orders as are just in the premises.

Respectfully Submitted,
LAW4AG, LLC

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