



ADMINISTRATIVE RULES OF MONTANA



24.8.752 AMENDMENT OF COMPLAINT

- (1) A charging party may amend a complaint to cure defects or omissions, including procedural defects or defects in verification, and to allege new facts and matters arising out of continuing violation of law. A charging party may also amend a complaint where an amendment is necessary to provide a respondent with fair notice of the allegations of a party.
- (2) The allowance or denial of an amendment to a complaint shall be governed by the provisions of 49-2-501, MCA, with respect to the time for filing complaints except when the new material relates back to the filing of the original complaint.
- (3) The redesignation of a complaint pursuant to 49-2-201, MCA, on behalf of the commissioner shall not, unless so specified, constitute the filing of a new complaint but shall relate to the underlying complaint in a contested case as an amendment to it.
- (4) The charging party may amend the complaint only by leave of the hearing officer or consent of an adverse party.
- (5) A complaint may be amended by way of a prehearing order which contains the contentions of the parties and which is substituted for pleadings in the contested case.
- (6) To the extent the amendment of pleadings is not otherwise addressed in this rule, such amendments shall be governed by the provisions of Rule 15 of the Montana Rules of Civil Procedure.

Authorizing statute(s): 49-2-204, 49-3-106, MCA

Implementing statute(s): 49-2-501, 49-2-505, 49-3-315, MCA

History: NEW, 2008 MAR p. 2636, Eff. 12/25/08.