

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Case No: 2025-CP-23-05006

Adam Matthew Steinberger,
Defendant,

v.

Linhart Realty Group, LLC d/b/a RE/MAX
Results,
Plaintiff.

**DEFENDANT'S RESPONSE IN
OPPOSITION TO
PLAINTIFF'S MOTION TO DISMISS
AMENDED ANSWER, AFFIRMATIVE
DEFENSES, AND COUNTERCLAIM**

FILED: 26MAR5AM8:36
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I. INTRODUCTION

NOW COMES Defendant Adam Matthew Steinberger, pro se, and hereby respectfully opposes Plaintiff Linhart Realty Group, LLC d/b/a RE/MAX Results's Motion to Dismiss Defendant's Amended Answer, Affirmative Defenses, and Counterclaim. Plaintiff's motion should be denied because: (1) South Carolina Rule of Civil Procedure 15(a) commands that leave to amend "shall be freely given when justice so requires"; (2) the amended pleading contains materially significant information directly relevant to the resolution of this case; (3) Plaintiff suffers no undue prejudice from allowing the amendment; and (4) **denial of the amendment would deprive this Court of critical information bearing on the merits of this dispute.**

II. LEGAL STANDARD

Rule 15(a) of the South Carolina Rules of Civil Procedure provides that, after a responsive pleading has been served, a party may amend a pleading "only by leave of court or by written consent of the adverse party; **and leave shall be freely given when justice so requires.**" S.C. R. Civ. P. 15(a) (emphasis added).

South Carolina courts follow the same framework as federal courts under Federal Rule of Civil Procedure 15(a), which the **United States Supreme Court interpreted in Foman v. Davis, 371 U.S. 178 (1962).** In Foman, the Court held that **outright refusal to grant leave to amend, without a justifying reason such as undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, or futility of the amendment, constitutes an abuse of discretion.** Id. at 182.

Accordingly, courts evaluate the following factors when determining whether to permit an amendment: (1) undue delay; (2) bad faith or dilatory motive; (3) repeated failure to cure deficiencies by previously allowed amendments; (4) undue prejudice to the opposing party; and (5) futility of the amendment. Id. **The default rule strongly favors allowing amendments.**

Courts have consistently held that any doubt should be resolved in favor of granting leave to amend.

III. ARGUMENT

A. Justice Requires That the Amendment Be Permitted.

The central purpose of Rule 15(a) is to **facilitate resolution of cases on their merits rather than on procedural technicalities**. The Defendant's Amended Answer, Affirmative Defenses, and Counterclaim **contains materially significant information that is directly relevant to the facts and claims at issue in this proceeding**. The Court will be **substantially aided in understanding the full scope of the dispute** if it is permitted to review the amended pleading.

Dismissing the amendment solely on procedural grounds, without any consideration of the materiality and relevance of the information it contains, would be **contrary to the spirit and mandate of Rule 15(a)**. "Justice requires" that the Court have before it all information bearing on the merits of this case, and the amended pleading serves exactly that purpose.

B. Plaintiff Suffers No Undue Prejudice.

Plaintiff has not demonstrated, and cannot demonstrate, any undue prejudice resulting from allowing the Defendant's amendment. Prejudice, for purposes of Rule 15(a), means more than the ordinary burden of having to respond to an amended pleading. **The Plaintiff must show that the amendment would cause it substantial harm**: for example, by requiring reopening of discovery that has been completed, or by fundamentally altering the nature of the case at a late stage. **No such showing has been made here.**

The case is at a stage where **allowing the amendment will not require any extraordinary additional burden on Plaintiff**. Plaintiff retains the full opportunity to respond to, contest, and argue against every claim and defense raised in the amended pleading. **The absence of any demonstrable prejudice weighs heavily in favor of permitting the amendment.**

C. There Is No Evidence of Undue Delay, Bad Faith, or Dilatory Motive.

Plaintiff's motion does not allege, nor could it establish, that Defendant filed the amendment in bad faith, with dilatory motive, or for any improper purpose. The amendment was made to ensure that **all relevant facts, affirmative defenses, and counterclaims are properly placed before the Court**. This is a **legitimate and appropriate reason for amendment** and reflects a good-faith effort to present the full merits of Defendant's position.

Absent any evidence of improper motive, the "bad faith" and "dilatory motive" factors under Foman **favor the Defendant and support granting leave to amend.**

D. The Amended Pleading Is Not Futile.

An amendment is considered "futile" **only if the proposed amended pleading could not survive a motion to dismiss. Plaintiff has made no such argument.** On the contrary, Defendant's amended counterclaims and affirmative defenses are **grounded in facts and applicable law.** The Court **should not dismiss the amendment on futility grounds where Plaintiff has not even attempted to argue futility,** and where the substance of the amendment plainly raises viable legal claims and defenses.

E. The Court Should Review the Amendment Before Ruling.

In the alternative, Defendant respectfully requests that, should the Court have any question as to whether the amendment meets the applicable standard, **the Court review the full substance of the Amended Answer, Affirmative Defenses, and Counterclaim before ruling on Plaintiff's motion.** The **materially significant information** contained therein speaks directly to the **merits of this proceeding** and to the **viability of Defendant's claims and defenses.** **Dismissing it on a purely procedural basis, without any substantive review, would not serve the interests of justice.**

IV. CONCLUSION

For the foregoing reasons, Defendant Adam Matthew Steinberger respectfully requests that this Court:

1. DENY Plaintiff's Motion to Dismiss Defendant's Amended Answer, Affirmative Defenses, and Counterclaim;
2. ALLOW Defendant's Amended Answer, Affirmative Defenses, and Counterclaim to remain part of the record in this proceeding;
3. In the alternative, REVIEW the full substance of the Amended Counterclaim before making a determination; and
4. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,



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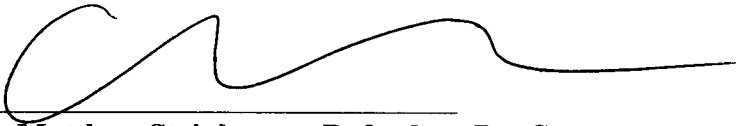
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3/4/26

CERTIFICATE OF SERVICE

I, Adam Matthew Steinberger, hereby certify that on this 4th day of March, 2026, I served a true and correct copy of the foregoing Defendant's Response in Opposition to Plaintiff's Motion to Dismiss upon Plaintiff's counsel of record by depositing a copy thereof in the United States Mail, first-class postage prepaid, or by such other means as permitted by the South Carolina Rules of Civil Procedure, addressed to counsel for Plaintiff, addressed as follows:

W. Christopher Schwartz
P.O. Box 1804
Greenville, SC 29602



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