Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

KRUPSKI *v.* COSTA CROCIERE S. P. A.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 09–337. Argued April 21, 2010—Decided June 7, 2010

Petitioner Krupski sought compensation for injuries she suffered on a cruise ship. Her passenger ticket, which was issued by Costa Cruise Lines, identified respondent Costa Crociere S. p. A. as the carrier; required an injured party to submit to the carrier or its agent written notice of a claim; required any lawsuit to be filed within one year of the injury; and designated a specific Federal District Court as the exclusive forum for lawsuits such as Krupski's. The front of the ticket listed Costa Cruise's Florida address and made references to "Costa Cruises." After Krupski's attorney notified Costa Cruise of her claims but did not reach a settlement, Krupski filed a diversity negligence action against Costa Cruise. Over the next several months—after the limitations period had expired—Costa Cruise brought Costa Crociere's existence to Krupski's attention three times, including in its motion for summary judgment, in which it stated that Costa Crociere was the proper defendant. Krupski responded and moved to amend her complaint to add Costa Crociere as a defendant. The District Court denied Costa Cruise's summary judgment motion without prejudice and granted Krupski leave to amend. After she served Costa Crociere with an amended complaint, the court dismissed Costa Cruise from the case. Thereafter, Costa Crociere—represented by the same counsel as Costa Cruise—moved to dismiss, contending that the amended complaint did not satisfy the requirements of Federal Rule of Civil Procedure 15(c), which governs when an amended pleading "relates back" to the date of a timely filed original pleading and is thus timely even though it was filed outside an applicable limitations period. The Rule requires, *inter alia,* that within the Rule 4(m) 120-day period for service after a complaint is filed, the newly named defendant "knew or should have known that the action would

have been brought against it, but for a mistake concerning the proper party's identity." Rule 15(c)(1)(C)(ii). The District Court found this condition fatal to Krupski's attempt to relate back. It concluded that she had not made a mistake about the proper party's identity because, although Costa Cruise had disclosed Costa Crociere's role in several court filings, she nonetheless delayed for months filing an amended complaint. The Eleventh Circuit affirmed, finding that Krupski either knew or should have known of Costa Crociere's identity as a potential party because she furnished the ticket identifying it to her counsel well before the limitations period ended. It was therefore appropriate to treat her as having chosen to sue one potential party over another. Additionally, the court held that relation back was not appropriate because of Krupski's undue delay in seeking to amend the complaint.

Held: Relation back under Rule 15(c)(1)(C) depends on what the party to be added knew or should have known, not on the amending party's knowledge or timeliness in seeking to amend the pleading. Pp. 7–18.

(a) The Rule's text does not support the Eleventh Circuit's decision to rely on the plaintiff's knowledge in denying relation back. The question under Rule 15(c)(1)(C)(ii) is not whether Krupski knew or should have known Costa Crociere's identity as the proper defendant, but whether Costa Crociere knew or should have known during the Rule 4(m) period that it would have been named as the defendant but for an error. The plaintiff's information is relevant only if it bears on the defendant's understanding of whether the plaintiff made a mistake regarding the proper party's identity. It would be error to conflate knowledge of a party's existence with the absence of mistake. That a plaintiff knows of a party's existence does not preclude her from making a mistake with respect to that party's identity. Making a deliberate choice to sue one party over another while understanding the factual and legal differences between the two parties may be the antithesis of making a mistake, but that does not mean that any time a plaintiff is aware of the existence of two parties and chooses to sue the wrong one, the proper defendant could reasonably believe that the plaintiff made no mistake. A plaintiff might know that the prospective defendant exists but nonetheless choose to sue a different defendant based on a misunderstanding about the proper party's identity. That kind of deliberate but mistaken choice should not foreclose a finding that Rule 15(c)(1)(C)(ii) has been satisfied. This reading is consistent with relation back's purpose of balancing the defendant's interests protected by the statute of limitations with the preference of the Federal Rules of Civil Procedure in general, and Rule 15 in particular, for resolving disputes on their merits. It is also consistent with the history of Rule 15(c)(1)(C). And it is not fore-

closed by *Nelson* v. *Adams USA, Inc.*, 529 U. S. 460. Pp. 7–13.

(b) The Eleventh Circuit also erred in ruling that Krupski's undue delay in seeking to file, and in eventually filing, an amended complaint justified its denial of relation back under Rule 15(c)(1)(C). The Rule plainly sets forth an exclusive list of requirements for relation back, and the plaintiff's diligence is not among them. Moreover, it mandates relation back once its requirements are satisfied; it does not leave that decision to the district court's equitable discretion. Its mandatory nature is particularly striking in contrast to the inquiry under Rule 15(a), which gives a district court discretion to decide whether to grant a motion to amend a pleading before trial. See *Foman* v. *Davis*, 371 U. S. 178, 182. Rule 15(c)(1)(C) permits a court to examine a plaintiff's conduct during the Rule 4(m) period, but only to the extent the plaintiff's postfiling conduct informs the prospective defendant's understanding of whether the plaintiff initially made a "mistake concerning the proper party's identity." The plaintiff's postfiling conduct is otherwise immaterial to the relation-back question. Pp. 13–15.

(c) Under these principles, the courts below erred in denying relation back. Because the original complaint (of which Costa Crociere had constructive notice) made clear that Krupski meant to sue the company that "owned, operated, managed, supervised and controlled" the ship on which she was injured and also indicated (mistakenly) that Costa Cruise performed those roles, Costa Crociere should have known that it avoided suit within the limitations period only because of Krupski's misunderstanding about which "Costa" entity was in charge of the ship—clearly a "mistake concerning the proper party's identity." That Krupski may have known the ticket's contents does not foreclose the possibility that she nonetheless misunderstood crucial facts regarding the two companies' identities. Especially because the face of the complaint plainly indicated such a misunderstanding, respondent's contention that it was entitled to think she made no mistake is not persuasive. Moreover, respondent has articulated no strategy that it could reasonably have thought Krupski was pursuing in suing a defendant that was legally unable to provide relief. Nothing in Krupski's conduct during the Rule 4(m) period suggests that she failed to name Costa Crociere because of anything other than a mistake. The interrelationship between Costa Cruise and Costa Crociere and their similar names heighten the expectation that Costa Crociere should suspect a mistake when Costa Cruise is named in a complaint actually describing Costa Crociere's activities. In addition, Costa Crociere's own actions contributed to passenger confusion over "the proper party": The front of the ticket advertises that "Costa Cruises" has achieved a certification of quality without clarifying

which "Costa" company is meant. And as shown in similar lawsuits, Costa Crociere is evidently well aware that the difference between it and Costa Cruise can be confusing for passengers. Pp. 15–18.

330 Fed. Appx. 892, reversed and remanded.

SOTOMAYOR, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, THOMAS, GINSBURG, BREYER, and ALITO, JJ., joined. SCALIA, J., filed an opinion concurring in part and concurring in the judgment.