/s/ Darl W. Poling
Circuit Court Judge
Ref. Code: 26ZNH9TTX

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CC-41-2025-C-328
Raleigh County Circuit Clerk
Angelia Price

In the Circuit Court of Raleigh County, West Virginia

Christopher A. Jackson,
Plaintiff,

v.

Case No. CC-41-2025-C-328
Judge Darl Poling

Alan D. Abrams,
Defendant

ORDER DENYING PLAINTIFF'S MULTIPLE REQUESTS FOR PERMISSION TO FILE AMENDED COMPLAINT OR SUPPLEMENTAL COMPLAINT

Pending before the Court are several "motions" filed by the Plaintiff, including: *Plaintiff's Motion for Leave to Amend Complaint and to Join Additional Defendants and Co-Plaintiff Under Rules 15(a), 15(c) and 20(a)* which was filed on September 16, 2025; *Plaintiff Reasserting his Motion for Leave to File First Amended Complaint* which was filed on October 6, 2025; and *Plaintiff's Motion for Leave to File Supplemental Pleading (Alternative NIED COUNT) Count XII,* filed on October 9, 2025 (jointly hereafter the Motions). The Defendant filed *Defendant's Response to Motion to Amend* (hereafter the Response) on October 3, 2025. Neither party has requested a hearing on the motions or response, and the Court deems the matter to be fully submitted and ready for decision without the need for a hearing.

STATEMENT OF FACTS

The Plaintiff's motions seek, among other relief, permission to (1) add additional Defendants; (2) add Amplius Holdings, LLC as co-plaintiff; (3) to particularize extra-judicial defamation and interference allegations; (4) add derivative civil conspiracy and aiding/abetting theories; and (5) include a reservation preserving separate product/warranty/personal-injury claims against Nissan North America, Inc. and as appropriate Lewis Nissan, "for a separate action." The Plaintiff's "reassertion" is not

technically a motion but is more of an argument in support of the allegations in the original motion for leave.

In considering the motions, it is important to note that the original *Complaint*, which was filed on August 20, 2025, contains seven (7) separate counts. In response to the *Complaint*, the Defendant filed a *Motion to Dismiss* on September 8, 2025. The seven (7) counts of the *Complaint* are: (1) Abuse Of Process by the Defendant for seeking a personal safety order (PSO) against the Plaintiff; (2) Malicious Prosecution by the Defendant for seeking the same PSO; (3) Defamation limited to extra-judicial publications by the Defendant; (4) Intentional Infliction of Emotional Distress (Outrage) based upon Counts 1, 2 and 3; (5) Professional Negligence; (6) Negligence; and (7) Negligent Infliction of Emotional Distress based upon the Defendant's actions related to seeking the PSO and the extra-judicial statements allegedly made by the Defendant.

The Plaintiff's request to amend must be analyzed to determine whether the requested amendments should be permitted based upon the content of the current Complaint.

DISCUSSION

The issue of whether the Plaintiff should be permitted to amend his original Complaint is governed by Rule 15 and Rule 20 of the West Virginia Rules of Civil Procedure and all applicable case law. Initially, application of Rule 15 would seem to support the Plaintiff's request to amend his *Complaint.* The Plaintiff started filing his motions within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is earlier." Rule 15(a)(1)(B). The Defendant's Response acknowledges the generally permissive nature of Rule 15 allowing an amendment, however, the Defendant argued that the Plaintiff failed to attach a copy of the proposed *Amended Complaint* at the time the motions were filed, and therefore his motion was not completed

within the 21-day requirement, was therefore untimely, and should be denied. The Plaintiff then filed his *Plaintiff Reasserting his Motion for Leave to File First Amended Complaint* on October 6, 2025, as an attempt to correct this oversight.

Before undertaking a complete discussion of the applicable law related to the Plaintiff's Motions, the Court will address some of the issues generally. The Court will first discuss Plaintiff's request to add Amplius Holdings, LLC as a co-Plaintiff. The Court has previously advised the Plaintiff that he was prohibited from acting in any manner on behalf of Amplius Holdings because the Plaintiff is not a lawyer. If the Court were to allow the Plaintiff to amend his Complaint to add Amplius Holdings as a co-Plaintiff, the Court would be permitting the unlawful practice of law. Therefore, the Plaintiff's request to amend his Complaint to add Amplius Holdings as requested in item #2 will be **DENIED** by the Court.

Next, the Court will address the Plaintiff's request #5 of his first motion. Here the Plaintiff seeks to include a "reservation expressly preserving separate product/warranty/personal-injury claims against Nissan North America, Inc. and as appropriate Lewis Nissan, "for a **separate action.**" (Emphasis added) This Court has previously ruled upon the Plaintiff's separate motion to Confirm and Enforce Arbitration Award which was related to matters between the Plaintiff and Nissan Motors. The current Motions to do not provide any new factual basis to justify the Court reconsidering that ruling as part of the Motions to amend the current Complaint. To the contrary, the Plaintiff asks to preserve "for a separate action" which clearly shows that the matters with Nissan Motors are outside the scope of the original Complaint.

Based upon the Plaintiff's failure to include any new factual allegations related to Nissan Motors and the causes of action asserted by the Plaintiff being unrelated to the events set forth in the original Complaint, this portion of the Motions is once again **DENIED.**

As for the remaining proposed additions identified as #3 and #4, there are no factual allegations contained within the proposed Amended Complaint pertaining to any Defendant, current or proposed. Again, the Plaintiff merely identifies elements of new torts without providing any factual basis to show how these alleged torts are tied to the original Complaint or should be permitted as an amendment. The Plaintiff offers only a general incorporation of all previously pled allegations without specifying a time the new torts occurred, what actions are attributed to each Defendant, or any other element of the tort. The Court's knowledge of the content of the Plaintiff's other previously filed documents allows the Court to know that these same broad allegations are set forth in other pleadings which are either irrelevant or otherwise unrelated to the events which allegedly gave rise to the original Complaint.

The Court having reviewed all of the motions on these topics, the responses and supplemental filings, and the applicable rules and case law has determined that the Plaintiff's Motions should be **DENIED** for the reasons set forth above and for the following reasons.

As also stated in other rulings on motions filed by this Plaintiff, the Court has determined that the subject matters raised in the Motions are either already set forth in the Complaint or seek to include matters which are outside of the chain of events raised in the original Complaint and seek to add additional matters which are separate and independent of the facts contained in the original Complaint. Furthermore, the issues which the Plaintiff seeks to add would unduly complicate the original issues and potentially result in confusion to a jury.

The original Complaint is based solely upon allegations against Alan David Abrams for matters arising out of Mr. Abrams' filing of a Petition seeking a Personal Safety Order against the Plaintiff. The first portion of the Motions seeks to add additional Defendants to

the original Complaint. None of the allegations against Mr. Abrams in the original Complaint contain any reference to any factual allegations involving any of the proposed new Defendants or their involvement in Mr. Abrams' Petition for a Personal Safety Order. While the Plaintiff has filed numerous pleadings which have set forth "allegations" or statements against these proposed new Defendants, none of those pleadings and nothing filed in or with his Motions sets forth an application or explanation of how those proposed additions to this Complaint are necessary or appropriate based upon the content of the original Complaint.

Although Mr. Jackson has once again included voluminous citings to legal authority identifying procedures that allow the relief he requests, he once again fails to apply the law or the principles directly to the facts of this case which he believes support the relief he has requested.

The Court agrees that there is vast authority which permits the amendment of a Complaint generally, but as stated, Mr. Jackson has failed to show how that general authority applies in this case and why it requires the amendment of his Complaint. The Court finds that the proposed Amended Complaint does not contain any sufficient proffer of how the requested amendment is related to the limited scope of the original Complaint nor does it provide any factual analysis of why the amendment should be permitted.

Therefore, the Court does hereby DENY each of the Plaintiff's motions identified above and it is hereby **ORDERED** as follows:

1. *Plaintiff's Motion for Leave to Amend Complaint and to Join Additional Defendants and Co-Plaintiff Under Rules 15(a), 15(c) and 20(a)* filed on September 16, 2025, is hereby **DENIED.**
2. Plaintiff's pleading titled *Plaintiff Reasserting his Motion for Leave to File First Amended Complaint* filed on October 6, 2025, is **DENIED.**

3. *Plaintiff's Motion for Leave to File Supplemental Pleading (Alternative NIED COUNT) Count XII* filed October 9, 2025, is **DENIED**.

4. Any and all other pleadings which attempt to request the right to amend the Complaint or contain reference to any supplemental Complaint or facts are also hereby **DENIED** with the understanding that any new motions to amend must be based upon information which has not been already submitted or which should have been submitted.

5. The Clerk is directed to send a copy of this Order to all counsel of record via e-filing and to the Plaintiff by U. S. Mail to his last known address.

ORDER:

Entered this the 24th day of August, 2026.

/s/ Darl W. Poling
Circuit Court Judge
14th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.