

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BARBARA ANN WILSON,)	
)	
)	2:10-cv-02386-KOB
Plaintiff,)	
)	
v.)	
)	
<hr/>)	
THE BIRMINGHAM PUBLIC)	
LIBRARY FOUNDATION; et al.,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO AMEND

The Plaintiff respectfully requests entry of an Order allowing her leave to amend her complaint pursuant to Federal Rule of Civil Procedure 15 (c). As grounds for this motion, the Plaintiff states the following:

1. Plaintiff seeks to amend her complaint solely by adding as party-defendants, The Birmingham Library Board and Renee Blaylock. The proposed amended complaint would add no additional substantive factual allegations except as the facts relate to the identity of her employer.
2. The Defendant, Birmingham Public Library Foundation has indicated in its Motion to Dismiss that the Birmingham Library Board is responsible for employing her and operating the library. Said Motion also indicates that the Board employs the Executive Director (Renee Blaylock) to carry out these

functions.

3. FRCP 15(c) allows an amendment to relate back to the date of the original pleading where, as here, the claim arises out of the same conduct set out in the original pleading.
4. FRCP 15(c) also allows an amendment to relate back to the date of the original pleading where, as here, the amendment changes the naming of the party defendant, where the party to be added received notice of the action and knew or should have known that the action would have been brought against it but for a mistake regarding identity.
5. The Plaintiff's proposed amended complaint is attached hereto as Exhibit A.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to grant her leave to amend her complaint by filing the attached proposed amended complaint.

Respectfully submitted,

s/Adam P. Morel

Adam P. Morel

ATTORNEY FOR PLAINTIFF

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above has been served on all counsel of record via electronic filing.

This the 4th day of October, 2010.

s/Adam P. Morel
OF COUNSEL
