

Although the right to file an additional or supplemental pleading is not automatic, a district judge should freely grant leave to do so when justice requires, absent a substantial reason to deny. *Rachman Bag Co. v. Liberty Mut. Ins. Co.*, 46 F.3d 230, 234-35 (2d Cir. 1995).

In this case, justice would be served, and a full and final decision on the merits would be facilitated, by allowing this motion.

**II. NEWLY DISCOVERED CAUSE OF ACTION
& WITNESS TAMPERING**

On Monday December 6th 2010, Adam Kunz was in Killeen Texas at or around 13:10 Hours to propose a settlement offer to Richeson.

No settlement was consummated and Adam Kunz returned to Phoenix Arizona on Tuesday December 7th.

During a recorded conversation it was learned that Adam Kunz, Maria Speth and Ed Magedson had engaged in violations of 18 USC 1512.

Specifically, James P. Rogers is a witness in (2) Federal causes of action including this one and he was paid monies by Adam Kunz and Ed Magedson to change his testimony.

James P. Rogers had given a recorded ex parte audio recording to Richeson in October 2010 whereas he indicated he was coerced by Adam Kunz, Maria Speth and Ed Magedson to provide this Court with false testimony and negate the previous audio recordings given Richeson by Rogers that proved up RICO violations committed by Ed Magedson.

Adam Kunz authenticated Richeson's beliefs that Adam Kunz, Maria Speth and Ed Magedson worked in conspiracy to intimidate James P. Rogers.

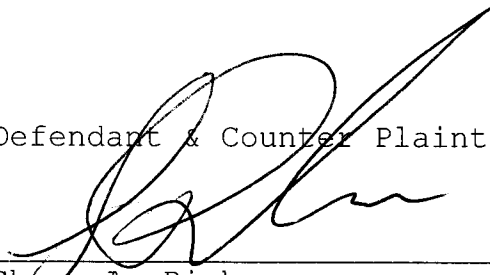
It was also learned that Adam Kunz intimidated Mike Podolsky to remove a damaging report posted about David Gingras from his web site PissedConsumer.com and that Ed Magedson, Maria Speth and Adam Kunz were orchestrating additional RICO violations to silence Mike Podolsky from testifying and providing truthful statements in this cause of action.

Richeson does hereby **stipulate** to Xcentric Ventures **motion to dismiss (DOC 65)** - claims against Richeson and respectfully asks that this court enter an order dismissing Xcentric Ventures claims with prejudice.

Wherefore premises considered, Richeson respectfully prays that this Court grant him leave of Court for the privilege of pursuing this newly discovered counter claim, which is incorporated herein by reference as (DOC. 67) for all intents and purposes.

Respectfully requested and filed with this Court this

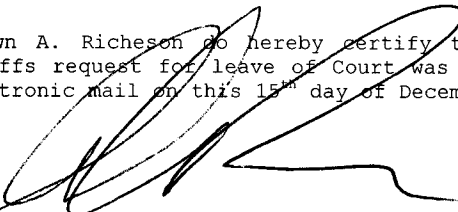
Monday the 15th day of December 2010.


Defendant & Counter Plaintiff, Pro. Se.

Shawn A. Richeson
1906 Twilight Drive
Killeen, Texas 76543
Shawn@ClickaNerd.com

CERTIFICATE OF SERVICE

I, Shawn A. Richeson do hereby certify that a true and correct copy of this Counter Plaintiffs request for leave of Court was served upon Maria Crimi Speth via US Mail and by electronic mail on this 15th day of December 2010.



Shawn A. Richeson

Maria Speth - US MAIL
3105 East Claire Drive
Phoenix Arizona
85032

United States District Clerk - US MAIL ✓
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street
Phoenix, AZ 85003

Please file this in cause of action **10-1931 PHX NVW**

Shawn - Field Manager

From: Maria Crimi Speth [mcs@jaburgwilk.com]
Sent: Wednesday, December 15, 2010 12:07 PM
To: Shawn - Field Manager
Subject: RE: Emailing: 1-MOTION-FOR-LEAVE-OF-COURT2

Shawn:

Thank you for asking. Xcentric does not want to withdraw its motion to dismiss.

Maria Crimi Speth, Esq.
Jaburg & Wilk, P.C.
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Phoenix, AZ 85012

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-----Original Message-----

From: Shawn - Field Manager [mailto:Shawn@ClickaNerd.com]
Sent: Wednesday, December 15, 2010 10:11 AM
To: Maria Crimi Speth
Subject: Emailing: 1-MOTION-FOR-LEAVE-OF-COURT2

Dear Maria,
Attached is my motion for leave of court to pursue new counter claim.
Do you want to withdraw your original motion to dismiss or do you care?
Take care
Shawn