

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.

Richeson did not send a copy of his motion for leave to Mrs. Speth's home address as she contends, it was sent to her via email and to her office.

Richeson did however fail to update the address in his certificate of service, which has been corrected in this document.

Richeson had suspected that Maria Speth, Adam Kunz and Ed Magedson did in fact engage in witness tampering but it was not until Adam Kunz flew in to Killeen Texas on Monday the 6th day of December 2010 and did then subsequently confirm Richeson's suspicions.

Adam Kunz brought a recording device to the meeting with Richeson and Richeson brought his wife to the meeting with Adam Kunz on Monday the 6th day of December 2010 at 1:30 PM CST at the Texas Land and Cattle on Highway 190 in Killeen Texas.

Adam Kunz admitted in the recording and in front of Annette Richeson that he did in fact contact Mike Podolsky and intimidated him into removing a posting from his web site about David Gingras.

Adam Kunz additionally admitted in that same recording that he had conducted a deposition on October 20th 2010 with James P. Rogers.

On the 18th of October 2010, James P. Rogers had admitted on tape that Adam Kunz had gone to James P. Rogers home for the purpose of coercing Rogers in to giving conflicting testimony in this cause of action as well as another pending cause of action in California in which Rogers was to testify.

Adam Kunz made it abundantly clear to James P. Rogers that he would never get his money unless he signed a

release against Ed Magedson for the testimony we had on tape and were about to get during a deposition.

Maria Speth, Ed Magedson, Adam Kunz and Richeson all new that James P. Rogers was a meth addict and was suffering withdrawal symptoms yet we all knew that Mr. James P. Rogers was an employee of Ed Magedson for 10 years and was about to divulge highly incriminating information on the record against Speth, Magedson and Kunz.

It is important to point out that Richeson had never paid James P. Rogers any money for his testimony.

In an independent investigation by detective John Brewington of Chandler Arizona, Mr. Brewington conducted an interview with James P. Rogers that had corroborated the earlier testimony of James P. Rogers and the incriminating information that Rogers had on Speth, Magedson and Kunz.

Richeson did then send a copy of all of the recordings to the FBI and ICE.

Richeson did then speak with Special Agent Mike Colombo and Agent Colombo had suggested that Richeson

pursue the cause of action of witness intimidation in his civil suit and further suggested that any information that he ascertain against Speth, Magedson or Kunz, he turn over to the FBI in Phoenix.

Richeson, believing in good faith that it is actionable to pursue witness tampering as a cause of action, did then improperly attempt to amend his pleading instead of asking for leave of Court as required under the FRCP.

Richeson did understand that it will be near impossible to prove \$75,000.00 in actual damages to invoke this Courts jurisdiction; however Richeson believed that upon discovery of all the witnesses tampered with by Speth, Magedson and Kunz, nominal damages and punitive damages could prove to get over the damage hurdle.

As this Court is aware, their has been no discovery to date.

Richeson can prove beyond any doubt that James P. Rogers and Mike Podolsky have been tampered with and intimidated by Speth, Magedson and Kunz.

Richeson believe^s there are more witnesses in other Federal proceedings that will show a pattern of this conduct alleged in this cause of action.

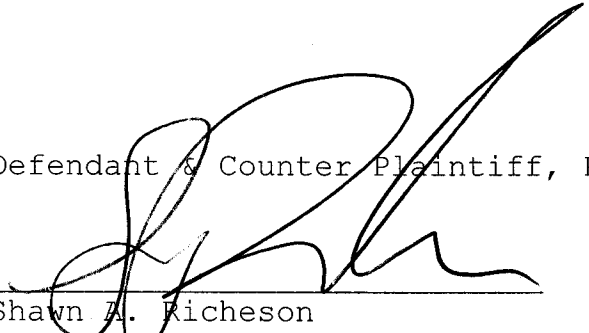
Richeson has clearly stated an actionable claim.

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 attached as exhibit 1 - for all intents and purposes.

Respectfully requested and filed with this Court this

Wednesday the 22nd day of December 2010.

Defendant & Counter Plaintiff, Pro. Se.



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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 22nd day of December 2010.


Shawn A. Richeson

Maria Speth - US MAIL
3200 North Central Avenue suite 2000
Phoenix, Arizona 85012

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

*Overnight
FAST*

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