

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
Redwood City

1 CHI-HUNG A. CHAN (SBN 104289)  
2 LAEL D. ANDARA (SBN 215416)  
3 MARIE E. SOBIESKI (SBN 278008)  
4 ROPERS, MAJESKI, KOHN & BENTLEY  
5 1001 Marshall Street, Suite 500  
6 Redwood City, CA 94063-2052  
7 Telephone: (650) 364-8200  
8 Facsimile: (650) 780-1701  
9 Email: cchan@rmkb.com  
10 landara@rmkb.com

11 Attorneys for Plaintiff  
12 AI-DAIWA, LTD.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 AI-DAIWA, LTD.,

16 Plaintiff,

17 v.

18 APPARENT, INC., a Delaware  
19 Corporation; APPARENT ENERGY,  
20 INC., a Delaware Corporation;  
21 APPARENT SOLAR, INC., a Delaware  
22 Corporation; APPARENT SOLAR  
23 INVESTMENTS, LLC, a Hawaii limited  
24 liability company; XSLENT, LLC, a  
25 Delaware limited liability company;  
26 XSLENT ENERGY TECHNOLOGIES,  
27 LLC, a Delaware limited liability  
28 company; and DOES 1-10 inclusive,

Defendants.

CASE NO. CV13-4156 VC

**MOTION TO AMEND COMPLAINT TO  
CORRECT PARTY NAME**


Plaintiff, AI-DAIWA, LTD, through undersigned counsel and pursuant to United States Court of Federal Claims Rule ("RCFC") 15(a), respectfully moves this Court for leave to amend its Complaint in this matter to correct an inadvertent mistake. This amendment seeks to correct a deficiency in the original pleading with regard to Defendant APPARENT SOLAR INVESTMENTS, LLC proper, corporate name. In this regard, Defendant's proper name is APPARENT SOLAR INVESTMENTS (II), LLC. The "(II)" was inadvertently excluded in the

1 initial pleading. The requested amendment merely corrects a pleading defect and does not affect  
2 the substantive rights of the parties. Consonant with RCFC 15(a), which provides that "leave  
3 shall be freely given when justice so requires," Plaintiff requests that this Court permit this  
4 amendment in the interest of accuracy of the pleadings. Plaintiff's counsel has discussed this  
5 motion with Defendant's counsel, who has no objection to this motion. A corrected copy of the  
6 Complaint reflecting Plaintiff's proper name is attached hereto as Attachment A.

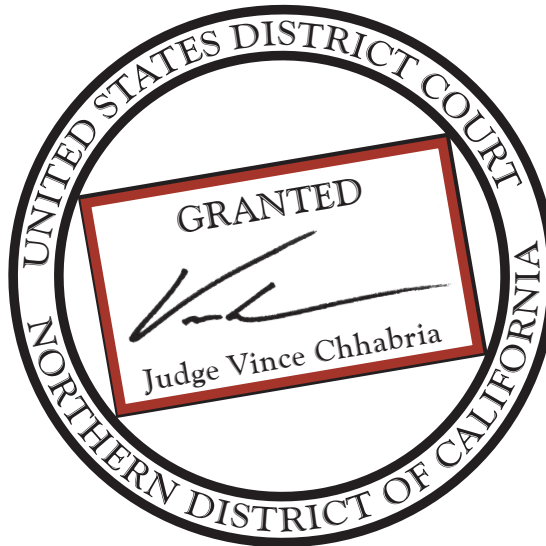
7 WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant its Motion  
8 to Amend the Complaint to Correct Party Name and order that all future references to Defendant  
9 by the parties and this Court be made in its proper name, APPARENT SOLAR INVESTMENTS  
10 (II), LLC.

11  
12 Dated: August 27, 2014

ROPERS, MAJESKI, KOHN & BENTLEY

13  
14 By:  MARIE SOBIESKI  
15 CHI-HUNG A. CHAN  
16 LAEL D. ANDARA  
17 MARIE E. SOBIESKI  
18 Attorneys for Plaintiff AI-DAIWA, LTD.

19 Date: September 24, 2014



28