

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MEANITH HUON,
Plaintiff,
v.
CIVIL ACTION NO.: 1: 11-cv-3054
JURY TRIAL DEMANDED
ABOVETHELAW.COM, DAVID LAT,
DAVID LAT, ELIE MYSTAL,
BREAKINGMEDIA.COM, JOHN LERNER,
DAVID MINKIN, BREAKING MEDIA,
JOHN DOES 1 to 100, GAWKER MEDIA
a/k/a GAWKER.COM, JEZEBEL.COM,
NICK DENTON, IRIN CARMON,
GABY DARBYSHIRE, JOHN DOES 101to 200,
LAWYERGOSSIP.COM, JOHN DOE NO. 201,
,NEWNATION.ORG
a/k/a NEWNATION.TV a/k/a
NEW NATION NEWS, JOHN DOE NO. 401,
JOHN DOE NO. 402, JOHN DOE NO. 403,
Defendants

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiff, Meanith Huon, moves for leave to file his proposed Second Amended

Complaint and states as follows:

- 1. On or about June 23, 2011, this Court gave Plaintiff leave to file a First Amended Complaint pursuant to FRCP 15 and gave Defendants until August 1, 2011 to answer or otherwise respond.
2. The attorneys for the defendants, Abovethelaw.com, David Lat, Elie Mystal, Breaking Media.com, John Lerner, David Minkin, Breakingmedia.com have filed

their appearances.

3. On or about July 12, 2011, Plaintiff filed a First Amended Complaint adding additional parties and claims.
4. On or about July 12, 2011, Plaintiff inadvertently added certain additional defendants in the First Amended Complaint. None of these defendants have been formally served with a copy of the First Amended Complaint pursuant to FRCP.
5. Plaintiff now seeks leave to file a Second Amended Complaint dismissing only the following defendants without prejudice: Brian Timpone, the Madison Record, the MadisonRecord.com, Steve Gonzalez, Steve Korris, Belleville News-Democrat a/k/a BND.com, John Doe No. 301, Holly Meyer, Beth Hunsdorfer, Jim Shrader, The Alton Telegraph, TheTelegraph.com, Sanford J. Schmidt, John Does 501 to 600.
6. The proposed Second Amended Complaint is attached. The claims or allegations against the Defendants who have appeared--Abovethelaw.com, David Lat, Elie Mystal, Breaking Media.com, John Lerner, David Minkin, Breakingmedia.com---in the proposed Second Amended Complaint are the same as in the First Amended Complaint.
7. The numbered Exhibits remain the same in both complaints.
8. The numbering of the John Does remains the same in both complaints.
9. Plaintiff has advised counsel for Defendants who have appeared of this error and Plaintiff had no objection to Defendants being given additional time to answer or respond to the Second Amended Complaint.
10. The relief asked in this motion does not affect the August 25, 2011 status date in

this case.

11. There is no prejudice against the Defendants who have appeared, because the claims against these Defendants are not affected. None of the other defendants have been formally served with the complaint pursuant to FRCP.
12. FRCP 15(c) provides that “ The court should freely give leave when justice so requires” to amend a pleading.

WHEREFORE, Plaintiff, Meanith Huon, requests that this Honorable Court enter an order:

1. Granting Plaintiff leave to file his Second Amended Complaint with summons to issue.
2. Granting Plaintiff leave to dismiss only the following defendants without prejudice: Brian Timpone, the Madison Record, the MadisonRecord.com, Steve Gonzalez, Steve Korris, Belleville News-Democrat a/k/a BND.com, John Doe No. 301, Holly Meyer, Beth Hunsdorfer, Jim Shrader, The Alton Telegraph, TheTelegraph.com, Sanford J. Schmidt, John Does 501 to 600.
3. Ordering that the case continue as to the remaining defendants.

July 13, 2011

 /s/Meanith Huon
Meanith Huon

Meanith Huon
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2011, I caused to be served a true and correct copy of the foregoing Plaintiff's Motion for Leave to File Second Amended Complaint by causing copies of same to be served electronically on all counsel of record who have appeared in this case.

/s/Meanith Huon _____
Meanith Huon
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