

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

PENNY BENTON, )  
 )  
 Plaintiff, )  
 ) Cause No. 1:10-cv-00918-DML-LJM  
 v. )  
 )  
 HAMILTON EAST PUBLIC LIBRARY, )  
 )  
 Defendant. )

**DEFENDANT'S MOTION FOR LEAVE TO WITHDRAW PLEADING**

Comes now the Defendant, Hamilton East Public Library ("Library"), by counsel and would petition the Court for leave to withdraw its pleading filed with the Court on January 20, 2011 as Document No. 23, and in support thereof would state as follows:

1. On or about January 20, 2011, Defendant filed two (2) pleadings with this Court, namely: Defendant's *Answer to Plaintiff's Second Amended Complaint* and *Defendant's Preliminary Witness and Exhibit List*.

2. Inadvertently, the incorrect document to be attached and filed with this Court as the pleading entitled "*Answer to Plaintiff's Second Amended Complaint*" was included and transmitted to the Court and all counsel of record.

3. Accordingly, Defendant, by counsel, petitions this Court for leave to withdraw the pleading incorrectly attached and filed on January 20, 2011, as Defendant's *Answer to Plaintiff's Second Amended Complaint*, as this Court has not yet ruled upon Plaintiff's motion to file her second amended complaint.

4. That this request is not made for purposes of delay, and that the Plaintiff would not be prejudiced by this amendment.

**WHEREFORE**, Defendant, Hamilton East Public Library, by counsel,  
respectfully prays that it be granted leave to withdraw the incorrectly filed pleading as  
referenced above, and for all other just and proper relief.

Respectfully Submitted,

s/Jennifer L. Williams

Jennifer L. Williams, #25365-29-A

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served upon the following by mailing via United States First Class mail, postage pre-paid, this 24 day of January, 2011, addressed as follows, and also by electronically filing with the U.S. District Court, Southern District of Indiana:

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