

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

PENNY BENTON,)
)
 Plaintiff,)
)
 v.)
)
 HAMILTON EAST PUBLIC LIBRARY,)
)
 Defendant.)

The motion to withdraw is granted; however, the court has now granted the plaintiff leave to amend and the second amended complaint has been filed. So that the docket will be Cause Ncclear, the defendant must now file (re-file) its answer to the second amended complaint within the applicable time period for doing so.
 DML 1/25/11

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.