

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICAH FIALKA-FELDMAN,

Plaintiff,

v.

Case No. 2:08-cv-14922-PJD-VMM
Hon. Patrick J. Duggan

OAKLAND UNIVERSITY BOARD OF TRUSTEES,

Defendant.

MICHIGAN PROTECTION &
ADVOCACY SERVICE, INC.
By: Chris E. Davis (P52159)
 Gabrielle S. Frampton (P59499)
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(248) 473-2990
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BUTZEL LONG
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**MOTION AND BRIEF FOR LEAVE TO FILE AMENDED COMPLAINT –
ADDING DEFENDANTS**

- Plaintiff Micah Fialka-Feldman moves this Court,
1. For the entry of an order pursuant to Rules 19, 20 and 21 of the Federal Rules of Civil Procedure to add Gary D. Russi, Mary Beth Snyder and Lionel Maten as defendants in this cause and directing service of process upon them; and
 2. For the entry of an order pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure permitting plaintiff Micah Fialka-Feldman to file immediately and to serve upon defendants an amended complaint.

In support of this motion, plaintiff Micah Fialka-Feldman states as follows:

1. Rule 21 of the Federal Rules of Civil Procedure provides in relevant part that parties may be added by order of the court on motion of any party at any state of the action and on such terms as are just.
2. Rule 19(a) of the Federal Rules of Civil Procedure provides in relevant part that a person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party to the action if in the party's absence complete relief cannot be accorded among those already parties, or if, under certain circumstances, the party claims an interest relating to the subject of the action.
3. Rule 20(a) of the Federal Rules of Civil Procedure provides in relevant part that persons may be joined in one action as defendants if there is asserted against them a right to relief in respect of a series of occurrences and if any question of law or fact common to all defendants will arise.
4. Rule 15 (a)(2) of the Federal Rules of Civil Procedure provides in relevant part that upon motion of a party the court may grant leave for a party to file and serve an amended complaint and the court should freely give leave when justice so requires.
5. The parties sought to be added as defendants by this motion are subject to service of process and their joinder will not deprive the court of jurisdiction over the subject matter of this action.

6. Attached and made a part of this motion is a copy of the amended complaint proposed to be filed if this motion is granted.

WHEREFORE, plaintiff Micah Fialka-Feldman asks that the motion be granted and that an order be entered in substantially the form attached to this motion.

Respectfully submitted,

Dated: February 26, 2009

s/Chris E. Davis
MICHIGAN PROTECTION &
ADVOCACY SERVICE, INC.
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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Robert A. Boonin.

Dated: February 26, 2009

Respectfully submitted,

s/Chris E. Davis
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