

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

IHOP IP, LLC et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	Case No.: 4:11-cv-00548-NKL
INTERNATIONAL HOUSE OF PRAYER)	
et al.,)	
)	
Defendants.)	

**MOTION TO AMEND INITIAL SUMMONS
AND STRIKE CERTAIN AFFIRMATIVE DEFENSES**

Plaintiffs IHOP IP, LLC and International House of Pancakes, LLC ("IHOP") respectfully move the Court to amend the initial summons under Federal Rule of Civil Procedure 4(a) to reflect that that service on International House of Prayer East Bay was also service on defendant The Prayer Furnace, Inc., which does business under the fictitious name International House of Prayer East Bay.

IHOP further moves the Court to strike The Prayer Furnace's affirmative defenses relating to proper service or the filing of a proper return of service as insufficient and inapplicable under Federal Rule of Civil Procedure 12(f). This motion is supported by the accompanying Suggestions in Support of Motion to Amend Initial Summons and Strike Certain Affirmative Defenses and the exhibit attached thereto.

WHEREFORE, IHOP respectfully requests that its motion be granted, that the initial summons be amended as requested, and the affirmative defenses relating to proper service and the filing of a proper return of service be struck from East Bay's Answer to the Second Amended Complaint.

Respectfully submitted,

/s/ Mark M. Iba

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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