

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES OBERGEFELL and	:	Case No. 1:13-cv-501
JOHN ARTHUR,	:	
	:	Judge Timothy S. Black
Plaintiffs,	:	
	:	<u>MOTION TO AMEND</u>
vs.	:	<u>COMPLAINT</u>
	:	
JOHN KASICH, et al,	:	
	:	
Defendants.	:	
	:	

Pursuant to Fed.R.Civ.Proc. 15(a)(2), Plaintiffs respectfully move to amend the complaint to add as a plaintiff David Michener.

MEMORANDUM

Plaintiffs move to amend the complaint to add David Michener as a plaintiff. Rule 15 of the Federal Rules of Civil Procedure provides that leave of the Court to amend a pleading “shall be freely given when justice so requires.” Reasonable requests to amend should be viewed with favor by the Court. *See* Wright and Miller, *Federal Practice and Procedure*, §1484, p.417 and cases cited therein. Leave to amend should normally be granted unless the moving party is guilty of undue delay, bad faith, dilatory motive, or the proposed amendment will be futile or cause undue prejudice to the opposing party. *Forman v. Davis*, 371 U.S. 178, 182; 83 S.Ct. 227 (1962). This amendment will not disturb the schedule set by the Court in this case. At all times in this action Plaintiff has acted in good faith and without delay. No prejudice will be experienced by any opposing party.

The Plaintiff respectfully requests that the motion to amend be granted.

Respectfully submitted,

<p>Lisa T. Meeks (0062074) Newman & Meeks Co., LPA 215 E. Ninth Street, Suite 650 Cincinnati, OH 45202 phone: 513-639-7000 fax: 513-639-7011 lisameeks@newman-meeks.com</p> <p><i>Attorney for Plaintiffs</i></p>	<p><u>/s/ Alphonse A. Gerhardstein</u> Alphonse A. Gerhardstein # 0032053 <i>Trial Attorney for Plaintiffs</i></p> <p>Jennifer L. Branch #0038893 Jacklyn Gonzales Martin #0090242 Gerhardstein & Branch Co. LPA Attorneys for Plaintiffs 432 Walnut Street, Suite 400 Cincinnati, Ohio 45202 (513) 621-9100 (513) 345-5543 fax agerhardstein@gbfirm.com jbranch@gbfirm.com jgmartin@gbfirm.com <i>Attorneys for Plaintiffs</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

/s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein # 0032053