

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON CLARK,	:	
	:	
<i>Plaintiff,</i>	:	
v.	:	Case No. 2:08CV982
	:	
THE WALT DISNEY COMPANY, et	:	Judge Holschuh
al.	:	
	:	Magistrate Judge Abel
<i>Defendants.</i>	:	
	:	
	:	
	:	

**PLAINTIFF AARON CLARK’S MOTION FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT, INSTANTER**

Pursuant to Rule 15 of the Federal Rule of Civil Procedure, Plaintiff Aaron Clark (“Plaintiff”) by and through his attorneys, respectfully move this Honorable Court for leave to file a First Amended Complaint, *Instanter*. Rule 15 provides that a party may amend its pleading once as a matter of course at any time before responsive pleadings is served; “[o]therwise a party may amend the party’s pleading only by leave of court...and leave shall be freely given when justice so requires.” Fed.R.Civ.P. 15. As Defendants TWDC, JAKKS, PAT and Toys “R” Us have filed responsive pleadings, leave of this Honorable Court is required.

The First Amended Complaint adds four additional corporate defendants, Disney Interactive Media Group, Disney Online, BabyUniverse, Inc. and eToys Direct, Inc. The First Amended Complaint maintains the counts and allegations of the Original Complaint and asserts similar allegations which are specific for the three corporate defendants.

WHEREFORE, Plaintiff respectfully requests leave of this Honorable Court to file a First Amended Complaint, *Instanter*.

Dated: February 13, 2009

Respectfully submitted,

/s/ Brian E. Dickerson

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system upon counsels of record.

/s/ Sharlene I. Chance

Sharlene I. Chance (0070999)

Attorney for Plaintiff Aaron Clark