

**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 SECOND 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 Second Amended Complaint, *Instanter*. On February 17, 2009, leave was granted to file a First Amended Complaint naming *inter alia*, Defendants Disney Interactive Media Group and Disney Online (Doc. 27). Defense counsel has informed the undersigned that Defendants Disney Interactive Media Group and Disney Online are not the proper Defendants. As such, Plaintiff has dismissed, without prejudice, Defendants Disney Interactive Media Group and Disney Online (Doc. 42) and respectfully seeks leave from this Honorable Court to file a Second Amended Complaint naming the proper party, Defendant Disney Shopping, Inc.

Rule 15 provides “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed.R.Civ.P. 15(a)(2). Counsel for Defendants, in written electronic communication dated April 23, 2009, consented to accepting service of the Second Amended Complaint on behalf of Disney Shopping, Inc.

The Second Amended Complaint seeks to add corporate Defendant Disney Shopping, Inc., who has been identified by Defense Counsel as the proper Defendant. The Second Amended Complaint maintains the same counts and allegations of the First Amended Complaint and asserts similar allegations which are specific to Defendant Disney Shopping, Inc.

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

Dated: May 1, 2009

Respectfully submitted,

/s/ Brian E. Dickerson

Brian E. Dickerson (0069227)

Sharlene I. Chance (0070999)

Kevin R. Conners (0042012)

THE DICKERSON LAW GROUP, P.A.

5003 Horizons Drive, Suite 101

Columbus, OH 43220

Telephone: (614) 339-5370

Facsimile: (614) 442-5942

bdickerson@dickerson-law.com

schance@dickerson-law.com

kconners@dickerson-law.com

Attorneys for Plaintiff Aaron Clark

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 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