

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA**

**CARL EVANS, DONALD SPENCER,  
VALERIE SPENCER, CINDY CARTER,  
individuals, on Behalf of themselves and for  
the Benefit of all with the Common or  
General Interests, Any Persons Injured, and  
All Others Similarly Situated,**

CIVIL DIVISION

No. 10-cv-1679

**Plaintiffs,**

v.

**LINDEN RESEARCH, INC., a corporation,  
and PHILIP ROSEDALE, an individual,**

**JURY TRIAL DEMANDED**

**Defendants.**

**MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

AND NOW COME, the Plaintiffs, by and through their attorneys, Jason A. Archinaco, Esquire and the law firm of Pribanic Pribanic + Archinaco LLC, and files the following Motion for Leave to File Amended Complaint.

1. On or about April 14, 2010, Plaintiffs filed their Complaint.
2. On or about June 15, 2010, Plaintiffs filed their First Amended Complaint.
3. Count I of Plaintiffs' Complaint and Plaintiffs' First Amended Complaint sought relief under the California Consumer Remedies Act, Ca. Civ. Code § 1750, et seq.
4. Section 1780(d) of the California Consumer Remedies Act requires the submission of an affidavit stating "facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action."

5. Plaintiffs did not attach the requisite affidavit at the time of filing their Complaint or First Amended Complaint.

6. As such, Plaintiffs seek leave of Court to file a Second Amended Complaint and attach the Declaration of Carl Evans, which has previously been filed with this Court as Exhibit 2 to Plaintiffs' Brief in Opposition to Defendants' Motion to Dismiss.

7. Plaintiffs' counsel contacted Defendants' counsel prior to filing this Motion and Defendants consent to the relief sought in this Motion.

Respectfully submitted,

Date: August 6, 2010

PRIBANIC, PRIBANIC + ARCHINACO LLC

By JAA7341

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