IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

SCOTT NALL III, TAMMIE AKIN,)
and WICKLIFF MOORE, JR.,)
) Case No. 3:12-ev-745
Plaintiffs,)
) Judge Haynes
v.) Magistrate Judge Brown
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HOWARD INDUSTRIES, INC.,)))) Jury Demand Thus make
d/b/a A to Z MUNI-DOT COMPANY,) Jury Demand / Mu March
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Defendant.	
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MOTION FOR LEAVE TO FILE AMENDED COMPLAINT	

In accordance with Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs move the Court for an order granting them leave to file the Amended Complaint that is attached to this motion. Plaintiffs seek to add claims for violation of Tenn. Code Ann. § 50-1-102 based on Defendant's inducing, influencing and persuading them to resign from another sales company in or about September 2009 to come to work for Defendant in Tennessee in exchange for certain promises and false or deceptive representations Defendant made to Plaintiffs. Plaintiffs have a right of action under Tenn. Code Ann. § 50-1-102 for all damages sustained as a consequence of Defendant's false or deceptive representations that induced Plaintiffs to leave their former employment and go to work for Defendant. Additionally, Defendant will not be prejudiced by the proposed amendment. No responsive pleading to the original complaint (ECF No. 1) has been filed and no discovery has been served or taken in this case.

¹ Defendant has not filed a pleading responsive to the original complaint. Fed. R. Civ. P. 7(a); *Yuhasz v. Brush Wellman, Inc.*, 341 F.3d 559, 569 (6th Cir. 2003) (Rule 7 provides exhaustive list of "pleadings"); *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1068 n. 1 (4th Cir. 1993) (motion to dismiss is not a responsive pleading); *Bowden v. United States*, 176 F.3d 552 (D.C. Cir. 1999) (same); *Shaver v. Operating Engineers Local 428 Pension Trust Fund*, 332 F.3d 1198 (9th Cir. 2003) (same).