


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2011 JUN 16 AM 8:02

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

DANIEL R. CASTRO,
PLAINTIFF,

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V.

CAUSE NO. 1-10-CV-000695-LY

ENTREPRENEUR MEDIA, INC.,
DEFENDANT.

ORDER

Before the Court in the above styled and numbered cause is Plaintiff Daniel R. Castro's Motion For Leave To Substitute Exhibit filed June 2, 2011 (Clerk's Document No. 40) ("Substitution Motion"). This motion states as follows:

On May 25, 2011, Castro filed a Motion For Leave to File Second Amended Complaint [(Clerk's Document No. 37)]. The proposed Second Amended Complaint was attached to the motion as Exhibit 1. The proposed Second Amended Complaint inadvertently contains an incorrect statement, and Castro wishes to substitute the proposed Second Amended Complaint with a corrected Second Amended Complaint.

In reviewing the file, contrary to Castro's representation in his Substitution Motion, it appears that perhaps inadvertently a proposed Second Amended Complaint was not submitted for filing along with the motion for leave to amend.

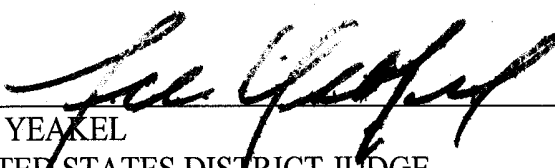
Defendant Entrepreneur Media, Inc. ("EMI"), by its Opposition To Plaintiff's Motion For Leave To Amend Complaint filed June 8, 2011 (Clerk's Document No. 41), informs the Court that it does not object to Castro's Substitution Motion with regard to the Court allowing the Corrected Second Amended Complaint to be included as an Exhibit to Castro's motion for leave. EMI states,

however, that it strongly objects to the Court allowing Castro leave to file a Second Amended Complaint.

In light of the fact that Castro's motion for leave to file lacked a proposed second amended complaint, and having considered Castro's Motion For Leave To Substitute Exhibit filed June 2, 2011 (Clerk's Document No. 40), and the case file,

IT IS ORDERED that Castro's Motion For Leave To Substitute Exhibit filed June 2, 2011 (Clerk's Document No. 40), which the Court refers to as Castro's Substitution Motion, is **GRANTED**. Further, the Clerk of Court shall file the copy of the Second Amended Complaint included with Castro's Substitution Motion as an Exhibit to Castro's Motion For Leave To Amend Complaint filed May 25, 2011 (Clerk's Document No. 37). Castro's Motion For Leave To Amend Complaint filed May 25, 2011 (Clerk's Document No. 37) remains pending before the Court.

SIGNED this 15th day of June, 2011.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE