



move [the] Court for joinder of additional party defendants in accordance with F.R.C.P 15(a) up to ten (10) days after his counsel learns the identity of any persons not previously identified by the defendants who may be properly named as a defendant(s), but not later than twenty (20) days prior to the discovery cutoff. It is further ORDERED that any motion to join additional parties made after the ten (10) day limit or later than twenty (20) days prior to the discovery cutoff will be entertained by the Court only upon a showing of good cause..

*See* Dkt. 47. As noted below, Plaintiff meets the requirements set forth in the Order and Rule 15(a) for adding Jane Doe as a defendant in this action. *See, e.g., Johnson v.*

*Oroweat Foods Co.*, 785 F.2d 503, 509 (4th Cir. 1986) (noting that leave to amend shall be freely given when justice so requires and should be denied only when the amendment is offered in bad faith, is prejudicial or would be futile) (citing *Forman v. Davis*, 371 U.S. 178 (1962)).

Plaintiff has sought leave to add Jane Doe as a party defendant within the time contemplated by the Order, *i.e.*, up to ten days after Plaintiff's counsel first learned of her identity and not later than twenty days prior to the discovery cutoff. Indeed, it was only during the deposition of Defendants Mason and Vann on September 26, 2011, less than ten days ago, that Plaintiff first learned of the identity and involvement of Jane Doe in the events of December 30, 2011. Further, discovery does not close in this action until November 25, more than six weeks from now.

Moreover, it is clear from the testimony of Defendants Mason and Vann and videos provided by the defendants that Jane Doe was involved in the December 30, 2010 incident at the Richmond International Airport giving rise to Plaintiff's claims. In particular, Ms. Doe, a TSA supervisor who was the manager of the checkpoint and was on duty at the time of the December 30, 2010 incident, was the TSA agent who approached Defendants Mason and Vann to inform them of the incident involving Plaintiff and request that they take action against him. Video images supplied by the

defendants, and confirmed during Defendant Mason's deposition, reveals that Ms. Doe followed the police officers into the screening checkpoint area and took it upon herself to search Plaintiff's belongings at the security checkpoint prior to the search by the police, removing an unidentified item from those belongings.

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's motion for leave to file his Second Amended Complaint

Dated this 5th of October, 2011

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2011, the foregoing Plaintiff's Memorandum of Law in Support of his Motion for Leave to File a Second Amended Complaint was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

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