

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

AARON TOBEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:11CV154-HEH
	)	
JANET NAPOLITANO, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**  
**(Granting Plaintiff’s Motion for Leave to File Second Amended Complaint)**

THIS MATTER is before the Court on Plaintiff’s Motion for Leave to File Second Amended Complaint (Dk. No. 58), filed on October 5, 2011. On August 10, 2011, this Court entered an Order permitting Plaintiff to move for joinder of additional parties “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.” (Dk. No. 47.) Pursuant to that Order, Plaintiff now seeks to add as a defendant a “TSA supervisor ... whose identity and involvement in the search and seizure of Aaron Tobey was first disclosed during the September 26, 2011 depositions of Defendants Anthony Mason and Calvin Vann.” (Pl.’s Mot. 1.)


As it was filed nine days after learning of the identity of the “TSA supervisor,” and because discovery in this matter does not close until November 25, 2011, Plaintiff’s

Motion is timely. Upon due consideration, the Motion is therefore GRANTED. Plaintiff is DIRECTED to file Exhibit A to the instant Motion as a Second Amended Complaint.

Notably, as Plaintiff currently knows only the first name of the "TSA supervisor," the proposed Second Amended Complaint refers to her only as "Jane Doe." (Ex. A; Mot. Supp. 1 n.2.) Plaintiff is HEREBY DIRECTED, within ten (10) days of learning the instant Jane Doe's full name, to notify the Court and seek further leave to amend his complaint accordingly.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.

 \_\_\_\_\_ /s/  
Henry E. Hudson  
United States District Judge

Date: OCT. 7, 2011  
Richmond, VA