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II. ISSUES PRESENTED

Whether Plaintiff should be allowed to amend this complaint? Yes.

III. EVIDENCE RELIED UPON

This motion relies upon the Declaration of Thomas B. Vertetis and the pleadings and documents previously filed in this case. Attached as Exhibit A to the Declaration of Thomas B. Vertetis is a copy of the Plaintiff's proposed Amended Complaint.

IV. FACTS

On March 24, 2010, Plaintiff Ken Aronson filed his complaint for damages.³ In response, defendant Dog Eat Dog Films, Inc. filed its answer on June 9, 2010.⁴ In a footnote, defendant claimed that the defendant Dog Eat Dog Films, Inc., is a "loan-out" company and that Goldflat Productions, LLC is the proper defendant.⁵ Based upon defendant's representation, Plaintiff makes this motion to amend their original complaint to add Goldflat Production, LLC as a named defendant.

V. ARGUMENT

In Washington, leave to amend shall be freely given when justice so requires. CR 15; *see also Quackenbush v. State*, 72 Wn.2d 670, 672, 434 P.2d 736 (1967) ("Leave to amend is properly within the discretion of the trial court and should be freely given when justice so requires.") Proposed amendments to pleadings should be allowed unless the opposing party would be prejudiced. *Olsen v. Roberts & Shaeffer Co.*, 25 Wn. App. 225, 227, 607 P.2d 319 (1980). Refusal to grant leave to amend where there is no showing of prejudice constitutes an abuse of discretion. *Tagliani v. Cowell*, 10 Wn. App. 227, 233, 517 P.2d 207 (1973).

³ Vertetis Decl., Exh. C (Plaintiff's Complaint)

⁴ See Exh. B.

⁵ *Id.*

1 If no prejudice is evident, an amendment may be granted even after substantial delay.
2 *Caruso v. Local Union No. 690 of Intern. Broth. of Teamsters, Chauffeurs, Warehousemen*
3 *and Helpers of America*, 100 Wn. 2d 343, 670 P.2d 240 (1983). To successfully oppose a
4 motion to amend, the adverse party must demonstrate actual prejudice that would result from
5 the amendment. Boilerplate allegations about difficulties in preparing for trial are
6 insufficient. *Walla v. Johnson*, 50 Wn. App. 879, 751 P.2d 334 (1988).
7

8 In this proposed amendment, Plaintiff relies upon the defendant's representation that
9 Goldflat is the entity responsible for the misuse of Plaintiff's footage. The defendant cannot
10 demonstrate that actual prejudice would result from the requested amendment. A proposed
11 amended complaint is attached as Exhibit "A" to the supporting declaration.
12

13 VI. CONCLUSION

14 For the foregoing reasons, Plaintiff respectfully requests this Court to allow Plaintiff to
15 amend his complaint.

16 Dated this 12th day of October, 2010.

17 PFAU COCHRAN VERTETIS KOSNOFF, PLLC

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20 By 

Thomas B. Vertetis, WSBA No. 29805
thomas@pcvklaw.com
Attorneys for Plaintiff

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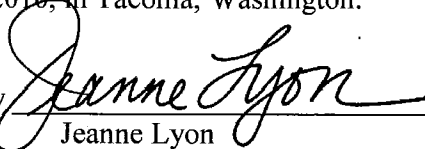
CERTIFICATE OF SERVICE

I, Jeanne Lyon, hereby certify that on today's date, I caused to be filed electronically (1) Plaintiff's Motion to Amend Complaint, and (2) the Declaration of Thomas B. Vertetis in Support of Plaintiff's Motion to Amend Complaint, with the court, using the CM/ECF system, which will send email notification of such filing to the below addresses, and I served a true and correct copy of the following documents by the method indicated below and addressed as follows:

 X CM/ECF Notification via email service to: Bruce E. H. Johnson, at brucejohnson@dwt.com and Noelle Kvasnosky, at noellekvasnosky@dwt.com.

I declare under penalty of perjury under the laws of the United States of America, 28 U.S.C. ¶ 1746, that the foregoing is true and correct.

Dated this 12th day of October 2010, in Tacoma, Washington.

By  _____
Jeanne Lyon

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7. _____;

Having heard argument of counsel and otherwise deeming itself fully advised in the premises, the Court rules as follows:

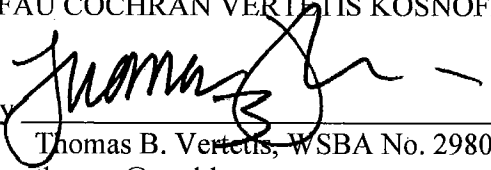
Motion for Leave to Amend Complaint is __ GRANTED or __ DENIED.

DONE IN OPEN COURT this ____ day of _____, 2010.

THE HONORABLE KAREN L. STROMBOM

PRESENTED BY:

PFAU COCHRAN VERTETIS KOSNOFF PLLC

By 

Thomas B. Vertetis, WSBA No. 29805
thomas@pcvklaw.com
Attorneys for Plaintiff