

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NBD INTERNATIONAL, INC.)	CASE NO. 5:09 CV 921
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	
ROBERT CARHART)	<u>MOTION FOR LEAVE TO AMEND</u>
dba A.C.C.O.N.)	<u>COMPLAINT</u>
)	
Defendant.)	

Now comes Plaintiff, by and through his counsel, and hereby moves this Court for leave to file an Amended Complaint. Leave to amend is sought in order to attach an agreement between the parties, add "Robert Carhart also known as LeRoy Carhart" to the caption and claims of the Complaint and/or add "LeRoy Carhart also known as Robert Carhart: as a party.

Attached hereto as Exhibit A is a Service Contract which refers to "Robert Carhart" on the first page and yet was signed by "LeRoy Carhart" on the third page. This agreement governs the dispute between the parties.

The address on the Service Agreement filed with this Court for "Robert Carhart" is:

1002 West Mission Avenue
Bellevue, NE 68005

The address on the Answer filed with this Court by "LeRoy Carhart" is:

1002 West Mission Avenue
Bellevue, NE 68005

Also the signature on the Service Contract appears to be very similar if not the same as the signature on the Answer filed herein. See Exhibit "B".

Plaintiff seeks to Amend its Complaint to add LeRoy Carhart as an also known for

Robert Carhart and/or add Robert Carhart also known as LeRoy Carhart. Plaintiff also would submit the Service Agreement as an Exhibit to the Amended Complaint.

In light of the foregoing, Plaintiff respectfully moves this Court for leave to Amend the Complaint.

Respectfully submitted,

/s/ Donald W. Davis, Jr.

Donald W. Davis, Jr. (#0030559)
Brennan, Manna & Diamond, LLC
75 E. Market Street
Akron, Ohio 44308
(330) 253-5060
(330) 253-1977 (fax)
dwdavis@bmdllc.com
sjyeargin@bmdllc.com

Counsel for Plaintiff NBD International, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically this 1st day of July 2009. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Also a copy of the foregoing was sent vial telecopier to LeRoy Carhart at 402-291-4643

/s/ Donald W. Davis, Jr.