

COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY, OHIO

FILED
ADAMS COUNTY
CLERK OF COURTS
2023 DEC -6 AM 9:24

SHAWN COOLEY et al

PLAINTIFFS,

VS.

JOSEPH E. FOREMAN et al

DEFENDANTS.

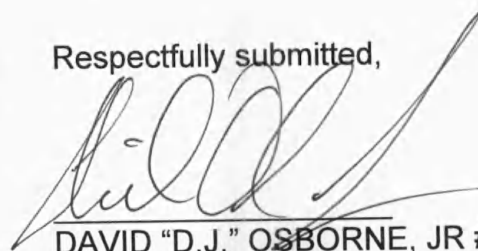
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CASE NO. CVH 20230069

**MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT**

Comes now Defendants, Joseph E. Foreman and Hungry Husler Records, by and through their Counsel and requests leave of this honorable court to file an Amended Answer and Counterclaim. The Amended Answer and Counterclaim would be adding a new affirmative defenses and new causes of action against the Plaintiff's. The Defendants requests this leave in the interest of justice so that all claims of the parties can be fully adjudicated and settled through this single court case. The Defendants pray that leave will be granted. A memorandum in support is attached to this Motion and incorporated by reference.

Respectfully submitted,



DAVID "D.J." OSBORNE, JR #0096879
Attorney for the Defendant's Joesph E.
Forman and Hungry Hustler Records

MEMORANDUM IN SUPPORT

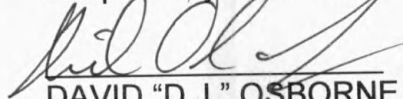
The Ohio Rules of Civil Procedure govern the pleadings of the parties and the process by which a civil case proceeds. Under Rule 15(A) of the Ohio Rules of Civil Procedure a party may:

... amend its pleading once as a matter of course within twenty-eight days after serving it or, if the pleading is one to which a responsive pleading is required within twenty-eight days after service of a responsive pleading or twenty-eight days after service of a motion under Civ.R. 12(B), (E), or (F), whichever is earlier. *In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave.* The court shall freely give leave when justice so requires.... R. Civ. Proc. 15(A).

Thus a party may amend their Complaint and/or Answer once without leave of the court so long as it completed within 28 days of filing. R. Civ. Proc. 15(A). If 28 days has passed then the party must seek leave of the court. Id. The court shall "freely give leave when justice so requires." Id.

In the case at hand, the Plaintiff's filed their Complaint with the Adams County Court of Common Pleas on March 13, 2023. The Plaintiff filed their First Amended Complaint on May 10, 2023, almost two months later. After a series of Motions was ruled on the Defendants filed an Answer and Counterclaim on October 27, 2023. The 28 days has passed and thus to Amend the Answer and Counterclaim, the Defendants must seek leave of the court. Thus in the interest of justice so that all claims of the parties may be freely and totally adjudicated. The Defendants prays that this court will grant thier leave to file an Amend Answer and Counterclaim.

Respectfully submitted,



DAVID "D.J." OSBORNE, JR #0096879
Attorney for the Defendant's Joseph E.
Forman and Hungry Hustler Records

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served upon to following:

1. **Robert A. Klinger**, Robert A. Klinger Co., LPA, 895 Central Ave. Ste. 300, Cincinnati, Ohio 45202;
2. **Arthur West**, 120 State Ave. NE, #1497, Olympia, WA 98501;
3. **David J. Caray**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
4. **Amy R. Gilbert**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
5. **Freda J. Levenson**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
6. **Vera Eidelman**, American Civil Liberties Union Foundation, 125 Broad Street, 18th Floor, New York, NY 10004;
7. **Bruce Rivers**, 701 Fourth Avenue South, Suite 300, Minneapolis, MN 55415;
8. **Tyler Cantrell**, Young and Caldwell, LLC, 225 North Cross Street, West Union, Ohio 45693;
9. **David Moser**, Fishel Downey Albrecht and Riepenhoff, LLP, 7775 Walton Parkway, Suite 200, New Albany, Ohio 43054.

by regular U.S. mail, hand delivery, email, fax, by dropping off in the Attorney box at Adams County Court, or email this _6_ day of _December_, 2023.

Respectfully submitted,



DAVID "D.J." OSBORNE, JR #0096879
Attorney for Defendants Joseph E.
Foreman and Hungry Hustler Records
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