

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN CAFIERO

Plaintiff,

Civil Action No. 08-202

-vs-

Judge Kim R. Gibson

DOUG CUSTER, a/k/a DOUG EVIL,

Electronically Filed

Defendant.

PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Rule 15(a) and (d) of the Federal Rules of Civil Procedure, Plaintiff John Cafiero, by and through his attorneys, K&L Gates LLP, hereby files the following Motion for Leave to File First Amended Complaint ("Motion"). This Motion is timely under the Proposed Initial Scheduling Order agreed to by the parties and submitted to the Court on May 22, 2009. The grounds for this Motion are set forth in detail in the Memorandum of Law in Support of Plaintiff's Motion for Leave to File First Amended Complaint filed concurrently herewith. In accordance with Local Rule 7.1, a proposed order of court is attached to this Motion.

WHEREFORE, Mr. Cafiero respectfully requests that this Court enter the attached Order granting him leave to file the First Amended Complaint attached to this Motion as Exhibit A.

Respectfully submitted,

/s/ Christopher M. Verdini

Curtis B. Krasik

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Dated: May 28, 2009

Attorneys for Plaintiff John Cafiero

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT was served on this 28th day of May, 2009, by United States mail, postage prepaid, on the following:

Doug Custer
P.O. Box 137
Carinbrook, Pennsylvania 15924

/s/ Christopher M. Verdini