UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WILD EYE DESIGNS, INC.,

Plaintiff,

v. Case No. 1:15-cv-23093-JAL

TONY THAI AND PRIMEWARE, INC.,

Defendants.
_____/

PLAINTIFF WILD EYE DESIGNS, INC.'S AMENDED MOTION FOR LEAVE TO FILE SUPPLEMENTAL PLEADING

NOW COMES Plaintiff, WILD EYE DESIGNS, INC. ("WILD EYE"), by and through its attorney, Craig S. Kirsch of KIRSCH LAW FIRM, and asks this Court to allow it to file Plaintiff's Supplemental Response to Defendant Tony Thai's ("Thai") Motion to Dismiss, pursuant to Federal Rule of Civil Procedure 15(a) and would respectfully show as follows:

I. INTRODUCTION

1. Plaintiff, Wild Eye would like to bring additional information to the attention of the Court and as Defendant, Thai has not yet filed its reply to Plaintiff's response, Defendant, Thai, would not be prejudiced if this Court allowed Plaintiff to file a Supplemental Response to Defendant's Motion to Dismiss. Moreover, the additional arguments provided herein will assist the Court in making its ruling.

II. FACTS

2. Defendant, Thai filed a Motion to Dismiss on October 2, 2015 [DE 12].

3. Defendant, Primeware, Inc. filed its Answer to Plaintiff's Complaint on October 5, 2015 [DE 14].

4. Plaintiff, Wild Eye filed a Response in Opposition to Defendant, Thai's Motion on October 19, 2015 [DE 17].

5. Defendant, Thai has not filed its Reply to Plaintiff's Response.

6. Wild Eye's Supplemental Response contains information upon which the Court can rely in the decision making process.

7. Wild Eye Design can file the Supplemental Response within five (5) days.

III. CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and grant Plaintiff five (5) days leave to supplement its pleadings, in accordance with Fed. R. Civ. P. 15(a) and adjust Defendant's time to reply as this Court deems just.

Respectfully submitted this October 28, 2015.

/s/Craig S. Kirsch, Esq.
Craig S. Kirsch, Esq.
FBN 26318
KIRSCH LAW FIRM
40 NE 1 Avenue, Suite 602
Miami, Florida 33132
Telephone: 305.416.4051
Fax: 786.217.6874
e-Service address: ckirsch@kirschlawfirm.com

CERTIFICATE OF GOOD FAITH CONFERENCE; CONFERRED BUT UNABLE TO RESOLVE ISSUES PRESENTED IN THE MOTION

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues but has been unable to resolve the issues. Specifically Plaintiff's counsel has exchanged emails with Defendant's counsel regarding this matter.

/s/Craig S. Kirsch, Esq.
Craig S. Kirsch, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2015, I presented the foregoing to the Clerk of the Court for uploading to the Case Management/Electronic Case Files ("CM/ECF") System, which will send a Notice of Electronic Filing to:

Robert H. Thornburg
Florida Bar No. 630829
E-Mail: rthornburg@addmg.com
ALLEN, DYER, DOPPELT, MILBRATH
& GILCHRIST, P.A.
1221 Brickell Ave., Suite 2400
Miami, FL 33131
Telephone: (305) 374-8303
Facsimile: (305) 374-8306

and

Aaron P. Peacock
(Pro Hac Vice Admission forthcoming)
E-Mail: aaron@gapslaw.com
GAGNON, PEACOCK & VEREEKE, P.C.
Highland Park Tower, Second Floor
4245 N. Central Expressway
Suite 250, Lock Box 104
Dallas, TX 75205
Telephone: (214) 824-1414
Facsimile: (214) 824-5490

Counsel for Defendants
Tony Thai and Primeware, Inc.

/s/Craig S. Kirsch, Esq.