

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>3:12-cv-03160-RM-BGC</u>
)	
v.)	
)	
RICHARD PEMBLE and DEANETTE)	
SCHWANKE,)	
)	
Defendants.)	
_____)	

MOTION TO STRIKE PLAINTIFF’S AMENDED COMPLAINT AGAINST RICHARD PEMBLE AND DEANETTE SCHWANKE [DKT. #8]

Plaintiff, Malibu Media, LLC, hereby moves this Court for an order striking the Amended Complaint, CM/ECF 7, and states:

1. On October 18, 2012, Plaintiff’s filed its Amended Complaint against Richard Pemble and Deanette Schwanke.
2. Although Plaintiff named Defendant Deanette Schwanke in the caption, it inadvertently failed to include Defendant’s information within the “Parties” section of the Amended Complaint.
3. Attached hereto as Exhibit A is the Correct Amended Complaint.

WHEREFORE, Plaintiff respectfully seeks the entry of an order: a) striking the inadvertently filed Amended Complaint CM/ECF 7, and b) substituting for filing the Amended Complaint attached hereto as Exhibit A. A proposed order is attached for the Court’s convenience.

Dated October 18, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti