

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT MICHIGAN**

PATRICK COLLINS, INC, )  
 )  
 Plaintiff, ) Civil Action Case No. 2:12-cv-12596-AJT-RSW  
 )  
 )  
 v. )  
 )  
 RICHARD E. DZIKLINSKI JR., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**MOTION TO STRIKE AMENDED COMPLAINT**

Plaintiff, Patrick Collins, Inc, (“Plaintiff”), moves for entry of an order striking the Amended Complaint filed December 26, 2012 [Dkt. 11], and states:

1. On December 26, 2012, Plaintiff filed its Amended Complaint [Dkt. 11] naming Richard E. Dziklinski Jr., formerly known as John Doe 1, and in doing so Plaintiff included John Does 2-21, which was an error.
2. Plaintiff did not intend to name or join the other parties in the case.
3. Plaintiff respectfully suggests that the easiest way to correct this error is to strike the Amended Complaint [Dkt. 11] currently on file, and for Plaintiff to file the correct version of the Amended Complaint.
4. Plaintiff will file the correct Amended Complaint within two (2) business days from the date of the signed Order.

WHEREFORE, Plaintiff respectfully requests that the Amended Complaint filed December 26, 2012 [Dkt. 11] be stricken from the Court docket. A proposed order is attached for the Court’s convenience.

Dated: January 11, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2013, 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

**CERTIFICATE OF COMPLIANCE**

Pursuant to MI R USDCTED LR 5.1(a) I hereby certify that the PLAINTIFF'S AMENDED COMPLAINT has been prepared using one of the font and point selections approved by the Court in MI R USDCTED LR 5.1(a)(3). This document was prepared using Times New Roman (12 pt.).

This 11<sup>th</sup> day of January 2013

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti