

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT COURT IN AND FOR
ESCAMBIA COUNTY, FLORIDA

CLARKE ALLEN, ET AL.,)	
)	
PLAINTIFFS, Individually)	
and on behalf of a class of)	
Persons defined below,)	
)	
v.)	Case No. 2015-CA-000722
)	Division C
)	
A. E. NEW JR., INC.;)	
CALDWELL ASSOCIATES)	
ARCHITECTS, INC.;)	
and ESCAMBIA COUNTY, FLORIDA, ET AL.,)	
)	
DEFENDANTS.)	

**PLAINTIFFS’ MOTION FOR LEAVE TO AMEND AND CORRECT PLAINTIFFS’
AMENDED CLASS ACTION COMPLAINT**

COMES NOW Plaintiffs, and respectfully request, pursuant to Rule 1.190 of the Florida Rules of Civil Procedure, that this Honorable Court grant Plaintiffs’ request for leave to amend their First Amended Class Action Complaint. In support thereof, Plaintiffs aver:

1. On April 29, 2015, Plaintiffs filed this original Complaint in this Honorable Court.
2. Answers to the Complaint were filed by Defendants.
3. On July 6, 2017, Plaintiffs filed their First Amended Class Action Complaint, adding additional Plaintiffs and Defendants.
4. No Answer to the First Amended Class Action Complaint has been filed.
5. Since the filing of the First Amended Class Action Complaint, Plaintiffs have discovered the need to amend and correct the First Amended Class Action Complaint as follows:

a. The First Amended Class Action Complaint was filed on July 6, 2017, without the parties having filed a Motion for Leave to Amend the original Complaint, pursuant to Rule 1.190 of the Florida Rules of Civil Procedure. Thus, Plaintiffs seeks Court ratification of the First Amended Class Action Complaint as it has already been filed.

b. In the spirit of settling this matter, Defendants have reviewed the Amended Class Action Complaint and have discovered minor typographical errors and the need for some clarifications. Plaintiffs pray unto this Honorable Court for Court Authority to file a Corrective Class Action Complaint, making those corrections. All other Defendants have not yet filed an Answer to Plaintiffs First Amended Complaint.

6. There is no undue delay in seeking this amendment and correction. Plaintiffs seek to file said Corrective Class Action Complaint prior to the entry of answers by all Defendants.

7. The amendment of Plaintiffs First Amended Complaint is not motivated by bad faith or dilatory motive.

8. Plaintiffs have not sought to cure multiple deficiencies by many prior amendments. Plaintiffs have only amended their Complaint once, and in light of the complexities and parties involved in this litigation, Plaintiffs find that the request to amend and correct the Complaint once more is justified and necessary.

9. The parties shall not be unduly prejudice as the Defendants have not yet answered the Amended Class Action Complaint, and, in fact, brought the need for corrections and clarifications to the attention of Plaintiffs.

10. Plaintiffs' Counsel has informed Defense Counsel of their intent to file a Corrective Class Action Complaint, and Defense Counsel has consented to such filing.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs ask that this Honorable Court

to:

1. Ratify the filing of Amended Class Action Complaint, filed on July 6, 2017, as if leave had previously been sought under Rule 1.190 of the Florida Rules of Civil Procedure;

2. Grant leave to allow Plaintiffs to file their Corrective Class Action Complaint to correct some minor typographical errors and make clarifications at the request of the Defendants;

and

3. Grant such other further, just, and equitable relief as this Court deems appropriate.

Respectfully submitted this 14th day of July, 2017.

PUTATIVE CLASS COUNSEL:

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CERTIFICATE OF SERVICE

I, Adrian R. Bridges, one of the Putative Class Counsel herein, hereby certify that on this 14th day of July, 2017, I served a copy of the above and foregoing Motion for Leave to Amend and Correct Plaintiffs' Amended Class Action Complaint upon all opposing Counsel of Record and all *pro se* Defendants.

/s/ Adrian R. Bridges _____
Of Counsel