

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FORBA HOLDINGS, LLC,)
)
 Plaintiff,)
)
 v.) Civil Action No. 4:08-cv-00137-JHM-ERG
)
 DEBBIE HAGAN,)
)
 Defendant.)

**MOTION TO AMEND COMPLAINT BY DISMISSING COUNT III WITHOUT
PREJUDICE**

The plaintiff hereby moves, pursuant to Fed. R. Civ. P. 15 and 41(a), to amend its complaint by dismissing without prejudice Count III of its claims against the defendant.

In further support of this motion, the plaintiff submits herewith a supporting memorandum of law in accordance with LR 7.1(a) and a proposed order in accordance with LR 7.1(e).

Respectfully submitted,

/s/ Thor Y. Urness

Thor Y. Urness (admitted *pro hac vice*)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Amend Complaint to Dismiss Count III Without Prejudice is being served on the following, via U.S. Mail, first class postage prepaid, on this the 26th of January, 2009:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness

Thor Y. Urness