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9 Attorneys for Plaintiff,
Lycurgan, Inc.

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 LYCURGAN, INC., a California
corporation, d/b/a Ares Armor,

16 Plaintiff,

17 vs.

18 B. TODD JONES, as Director of the
19 Bureau of Alcohol, Tobacco, Firearms,
and Explosives, EARL GRIFFITH, an
20 individual, UNKNOWN NAMED
TECHNOLOGIST, an individual,
21 UNKNOWN NAMED AGENTS I-VII,
individuals, and DOES I-XI, in their
22 individual capacities.

Case No.: 14-cv-00548-JLS-BGS

**PLAINTIFF LYCURGAN, INC.'S
AMENDED NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
SUPPLEMENTAL/AMENDED
COMPLAINT PURSUANT TO
FEDERAL RULES OF CIVIL
PROCEDURE SECTION 15(d)**

Hon.: Judge Janis L. Sammartino
Dept.: 4A
Date: October 30, 2014
Time: 1:30 P.M.

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24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 PLEASE TAKE NOTICE that on October 30, 2014, 2014 at 1:30 P.M., or as soon
26 thereafter as may be heard, in Department 4A of the above-entitled Court, located at 880
27 Front Street, San Diego, California 92101, Plaintiff Lycurgan, Inc. will and hereby does
28 move this Court under Federal Rule of Civil Procedure 15(d) for an order granting
Plaintiff's leave to file its proposed 'FIRST AMENDED COMPLAINT FOR

1 DAMAGES; DEPRIVATION OF CIVIL RIGHTS (BIVENS ACTION); INJUNCTIVE
2 AND DECLARATORY RELIEF; JURY TRIAL DEMAND”.

3 This motion is made on the grounds that relevant transactions, occurrences, and/or
4 events have happened after the original pleading was filed.

5 The amended / supplemental complaint describes the significant factual and
6 procedural developments that have occurred since the original complaint was filed and
7 revises the legal issues to account for said developments. Most notably, since the original
8 case was filed on March 11, 2014, Defendant B. Todd Jones’s subordinates applied for
9 and obtained a search warrant to raid Plaintiff’s four San Diego County business
10 properties. On March 15, 2014, Defendants executed the search warrant, confiscating
11 numerous lawful items owned by Plaintiff, and causing substantial damages to Plaintiff’s
12 businesses.

13 The instant motion is based upon this notice of motion, the accompanying
14 memorandum of points and authorities, the declaration of Scott A. McMillan, the copy of
15 the supplemental pleading, the pleadings, papers, and records filed in the case, and any
16 additional evidence submitted at the hearing on the motion.

17 Respectfully submitted:

18 Dated: September 22, 2014

THE McMILLAN LAW FIRM, APC

19 /s/ Scott A. McMillan

20 _____
21 Scott A. McMillan, Esq.
22 Attorney for Plaintiff
23 Lycurgan, Inc.
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