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AUG 03 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

**CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.**

GREGORY CHARLES ROYAL)
1929 18th Street NW 1153)
Washington, DC 20009)

KIM CHATMAN)
c/o Gregory Charles Royal)
1929 18th Street NW 1153)
Washington, DC 20009)

Plaintiffs,)

v.)

SARAH PALIN)
Office of the Governor State of Alaska)
444 North Capitol Street - Suite 336.)
Washington, D.C. 20001-1512)

Defendant.)

) **Case No. 3:09-cv-00091-TMB**

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Comes now Plaintiffs Gregory Charles Royal and Kim Chatman, pro se, in their MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT, and states the following:

1. Plaintiffs seek leave pursuant to FRCP Rule 15(2) to develop certain facts of their claims relating to 28 U.S.C. § 1331 Federal Question Jurisdiction; to develop certain facts relating to the the Defendant's willful actions as they relate to violations of the constitution and its amendments; and to develop facts with respect to diversity jurisdiction and Plaintiffs' damages. Plaintiffs also want to clarify that this matter does not arise from a *clerical error* in failing to issue the 2007 Juneteenth Proclamation but

rather from the Defendant's continued defiance and refusal to execute the law once it was discovered that the alleged "error" occurred.

2. Plaintiffs wish to add a very serious federal claim of *attempted bribery* and other violations of similar federal and state statutes under supplemental jurisdiction. This claim arises from information and evidence recently supplied to Plaintiffs involving Defendant offering state funds and support of legislation to third parties in exchange for them convincing Plaintiffs to drop this lawsuit in federal or state court.

3. Defendant's pending Motion to Dismiss is not a responsive pleading under *FRCP Rule 7. Pleadings Allowed; Form of Motions and Other Papers*

4. To remind the court in the event Plaintiffs do not prevail in their Motion for Default Judgment and finding Defendant in default, that the courtesy process service of the First Amended Complaint effected on the Alaska Attorney General on July 13, 2009 and which the Defendant refused on July 13, 2009, to be noticed as proper service. The affidavits of service are being simultaneously filed.

MEMORANDUM IN SUPPORT OF MOTION

According to Federal Rule of Civil Procedure 15, "a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served... [o]therwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party." Fed. R. Civ. P. 15(a). Where leave of the court is sought, Rule 15 states that "leave shall be freely given when justice so requires." *Id.* In *Foman v. Davis*, the Supreme Court held that [i]n the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, be "freely given." *Foman v. Davis*, 371 U.S.

178, 182 (1962). District courts have recognized and upheld this principle, for example, in *Advanced Cardiovascular Sys., Inc. v. SciMed Life Sys., Inc.*, stating that “the court must be very liberal in granting leave to amend a complaint,” noting that “[t]his rule reflects an underlying policy that disputes should be determined on their merits, and not on the technicalities of pleading rules.” *Advanced Cardiovascular Sys., Inc. v. SciMed Life Sys., Inc.*, 989 F.Supp. 1237, 1241 (N.D. Cal. 1997).

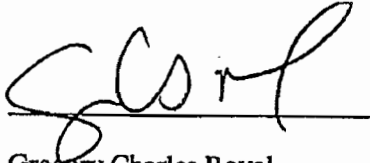
In this case, Plaintiffs seek, in good faith to amend the complaint so as to further develop certain facts relating to the the Defendant's willful actions as they relate to violations of the constitution and its amendments and to develop facts with respect to diversity jurisdiction and Plaintiffs' damages. Furthermore, Plaintiffs seek to add a related claim which has just been revealed to Plaintiffs regarding attempted bribery on behalf of Defendant commencing around the time the complaint was filed.

Given the aforementioned circumstances, it cannot be said that Plaintiffs' request reflects any “dilatatory motive” on Plaintiffs' part, nor would allowing Plaintiffs' Motion For Leave To File A Second Amended Complaint impose any undue prejudice upon Defendants. *Foman*, 371 U.S. at 182. Similarly, there has been no undue delay by Plaintiffs in amending the complaint, nor failures to cure any alleged deficiencies.and Defendants have not yet filed a responsive pleading.

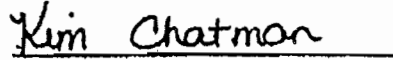
CONCLUSION

For the reasons stated above, Plaintiffs pray that the court grant leave to file their Second Amended Complaint.

Respectfully submitted,



Gregory Charles Royal
1929 18th Street NW 1153
Washington, DC 20009
(202) 302-6703




Kim Chatman
c/o Gregory Charles Royal
1929 18th Street NW 1153
Washington, DC 20009
(202) 302-6703

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31th day of July, 2009, a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT** was mailed postage prepaid to the Defendant's attorney at:

Krista S. Stearns
Assistant Attorney General (Alaska)
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501-1994



Gregory Charles Royal