

**THE STATE OF NEW HAMPSHIRE**

STRAFFORD, SS

SUPERIOR COURT

JEFFREY MARSHALL

VS

CHAD EVANS

DOCKET NO. 03-C-0207

**MOTION FOR LEAVE TO AMEND WRIT**

NOW COMES THE PLAINTIFF, by and through counsel, the Law Office of Stephen C. Brown, and prays for leave of court to amend the writ in this action and in support of this Motion says as follows:

1) Plaintiff filed his writ on August 15, 2003, and Defendant answered on October 3, 2003;

2) On December 2, 2003 a case structuring conference was held, in which the Defendant reiterated his stated defense of testimonial immunity;

3) The writ, as presently of record, claims that Defendant continued to slander Plaintiff until the conclusion of his murder trial, when in fact such writ should have read that Defendant continues to slander the Plaintiff to the present day, outside any alleged immunity or privilege he may have, asserting that Plaintiff was guilty of the murder of which Defendant has been convicted. Attached is a copy of the original writ;

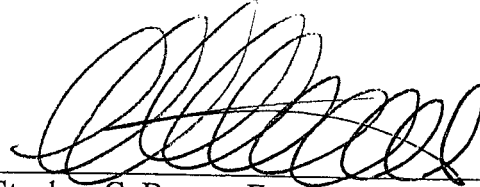
4) Plaintiff's amended writ will set forth his claims against Defendant as to all Defendant's tortious conduct known to Plaintiff, and will therefore promote the administration of justice by resolving all of Plaintiff's slander claims to date and continuing against Defendant in a single forum;

5) Plaintiff therefore moves this Honorable Court for leave to amend the writ and to amend the writ of record as follows: first, for every reference to Kassidy Bortner as "a 22 month old child" substitute "a 21 month old child," and second, in paragraph (2) of the writ for "to the end of the trial, December 19, 2001, a period of over a year" substitute "and ongoing since, Defendant has," and third, in Paragraph 2, after "child" add "to others, the" in lieu of the word "in," and last, to strike the words "see Exhibit 1" from the last line of Paragraph 4.

WHEREFORE, for the reasons set forth above, Plaintiff prays that this Honorable Court grant him leave to amend his writ and to amend the writ of record to reflect the changes set for above for the above-stated reasons.

Respectfully submitted,  
JEFFREY MARSHALL  
By and Through Counsel  
LAW OFFICES OF STEPHEN C. BROWN

Dated: December 30, 2003

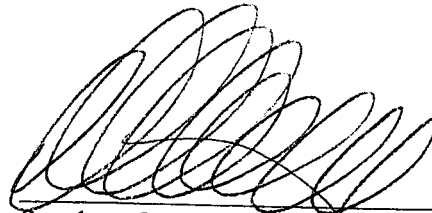


Stephen C. Brown, Esquire  
21 South Main Street  
Rochester, NH 03867  
603-332-3535

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave to Amend Writ this date was delivered to Chad Evans by ordinary United States Mail, postage pre-paid, at P. O. Box 14, Concord, NH 03302, this 30<sup>th</sup> day of December, 2003.

Dated: December 30, 2003



Stephen C. Brown, Esquire