

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

FRANK D. SMITH, JR.,

Plaintiff,

v.

Case No.: 4:02-CV-280-HLM

CORNELL UNIVERSITY;

NATIONAL SCIENCE

FOUNDATION;

LOS ALAMOS NATIONAL

LABORATORY;

UNIVERSITY OF CALIFORNIA;

UNITED STATES DEPARTMENT

OF ENERGY;

and

PAUL GINSPARG, Professor of

Physics and Computer Science,

Cornell University, Individually and

in his Official Capacity;

SIMEON WARNER, Research

Associate, Computer Science

Department, Cornell University,

Individually and in his Official

Capacity;

SARAH THOMAS, University

Librarian, Cornell University,

Individually and in her Official

Capacity;

and

JEAN POLAND, Associate

Librarian, Cornell University,

Individually and in her Official	:
Capacity;	:
	:
and	:
	:
RICHARD LUCE, Administrative	:
Director, Los Alamos National	:
Laboratory, Individually;	:
JOHN C. BROWNE, Director, Los	:
Alamos National Laboratory,	:
Individually;	:
and	:
ROBERT L. VAN NESS, University	:
of California Assistant Vice President	:
for Laboratory Administration,	:
Individually;	:
	:
Defendants.	:

## AMENDMENT TO COMPLAINT

Plaintiff, by and through counsel, hereby amends his Complaint as follows:

1.

No responsive pleading having been served against Plaintiff's Complaint (only motions have been served in response thereto), so that Plaintiff is entitled as a matter of course to make this, Plaintiff's first amendment to his complaint, at this time, under the Federal Rules of Civil

Procedure including F.R.C.P. Rule 15.

2.

Pursuant to Local Rule LR 15.1, Plaintiff hereby incorporates herein by reference Plaintiff's initial Complaint heretofore filed, in its entirety, as reproduction of said initial Complaint would be unduly burdensome.

3.

Plaintiff hereby amends said initial Complaint by adding to paragraph (c) of his Request for Relief (pages 29 and 30 of initial Complaint), at the end of said paragraph (c), the following:

“provided, however, that Plaintiff does not request any monetary award against the United States, including Defendants Department of Energy and National Science Foundation, in excess of \$10,000, in order to comply with the provisions of 28 U.S.C. § 1346.”

4.

Plaintiff hereby amends said initial Complaint by adding to a new paragraph (e) to his Request for Relief (pages 29 and 30 of initial Complaint), at the end of said Request for Relief, the following:

“(e) This Complaint is based, inter alia, on 28 U.S.C. §1346, and, notwithstanding any other language in this Complaint, Plaintiff does

not request any monetary award against the United States, including Defendants Department of Energy and National Science Foundation, in excess of \$10,000.”

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2003.

---

B. Shane Haney  
Neel Law Firm  
132 West Cherokee Avenue  
P. O. Box 458  
Cartersville, Georgia 30120  
phone 770 382 0622  
fax 770 382 0623  
Georgia Bar No. 323255

---

Frank D. (Tony) Smith, Jr.  
79 Cassville Road  
P. O. Box 370  
Cartersville, Georgia 30120  
phone 770 382 5875  
no fax number - send by e-mail  
to tsmith@innerx.net  
Georgia Bar No. 657400