

**IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI**

**HOMESAFE INSPECTIONS, INC.**

**PLAINTIFF**

**v.**

**CAUSE NO. L15-013**

**INTERNATIONAL ASSOCIATION OF  
CERTIFIED HOME INSPECTORS**

**DEFENDANT**

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**MOTION FOR LEAVE TO FILE AMENDED ANSWER, COUNTERCLAIM,  
AND THIRD-PARTY COMPLAINT**

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Pursuant to Rule 14 and Rule 15(a) of the Mississippi Rules of Civil Procedure, Defendant, International Association of Certified Home Inspectors, asks for permission to file an Amended Answer, Counterclaim, and Third-Party Complaint. In support of this Motion, Defendant states:

1. After filing its Answer to the Complaint in March of 2015, Defendant continued to research the facts giving rise to this dispute.
2. Defendant believes it has grounds to Counterclaim for negligent misrepresentation, fraudulent misrepresentation, and unjust enrichment.<sup>1</sup>
3. Defendant also believes it has grounds to file a Third-Party Complaint against Kevin Seddon, an owner of the Plaintiff corporation, for negligent and fraudulent misrepresentation.

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<sup>1</sup> Because of Plaintiff's continuous misrepresentations on its website concerning the extent of its patent rights, which InterNACHI believes constitute wire fraud under 18 U.S.C. § 1343, InterNACHI may also have a claim against Homesafe for violation of the Racketeer Influenced and Corrupt Organizations Act. InterNACHI reserves the right to seek leave to amend to add such a claim at a later date if discovery bolsters such a case. See, 18 U.S.C. § 1961 et seq.

4. Additionally, Defendant believes it has grounds to request that the Court invoke the equitable remedy of piercing the corporate veil to hold Mr. Seddon personally liable for any obligations Plaintiff owes to Defendant.

5. A proposed Amended Answer, Counterclaim, and Third-Party Complaint is attached as **EXHIBIT A**. The Counterclaim in **EXHIBIT A** was verified by Nick Gromicko, Founder of InterNACHI, under oath. **EXHIBIT A** is incorporated into this Motion by reference.

6. Rule 15(a) of the Mississippi Rules of Civil Procedure provides that the leave to amend “shall be freely given when justice so requires.”

7. The parties have not yet conducted depositions. Because no depositions have taken place and discovery is ongoing, allowing the Defendant to file its Amended Answer, Counterclaim, and Third-Party Complaint will not prejudice the Plaintiff or Mr. Seddon.

WHEREFORE, Defendant moves for an Order allowing Defendant to file its Amended Answer, Counterclaim, and Third-Party Complaint.

Dated this \_\_\_\_\_ day of August, 2015.

INTERNATIONAL ASSOCIATION OF  
CERTIFIED HOME INSPECTORS

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day forwarded a true and exact copy of this document, via U.S. Mail, postage prepaid, to:

Stephan L. McDavid  
McDavid & Associates  
1109 Van Buren Avenue  
P. O. Box 1113  
Oxford, MS 38655

This \_\_\_\_ day of August, 2015.

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Lawrence L. Little