

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

Ergun M. Caner,	:	No.: 6:14-cv-004
Plaintiff	:	
v.	:	Civil Action - Law
	:	Jury Trial Demanded
Jonathan Autry,	:	(Electronically Filed)
Defendant	:	

Second Motion to Supplement Record

AND NOW comes Defendant Jonathan Autry, by and through his counsel, Joshua M. Autry, Esquire, and asks this Court to supplement the record for his dispositive motion:

1. During oral argument, counsel for Dr. Caner argued for the first time that Jonathan Autry is a former employee of Dr. Caner's who Dr. Caner fired.
2. After oral argument, undersigned counsel (Jonathan Autry's younger brother) confirmed with Jonathan Autry that these statement by Dr. Caner's counsel were false.
3. Because Dr. Caner made these false representations for the first time at oral argument, Jonathan Autry has no opportunity to address these false representations.
4. In the declaration attached hereto as Exhibit "A", Jonathan Autry explains that Dr. Caner has never fired Jonathan Autry from any position; in fact, Jonathan Autry has never been an employee of Dr. Caner's.
5. Accordingly, Jonathan Autry requests permission to file the attached declaration refuting Dr. Caner's false representations at oral argument.
6. Undersigned counsel has contacted Dr. Caner's counsel by e-mail and phone messages but has not heard back as to whether Dr. Caner opposes this request.

Wherefore, for the reasons stated herein, Jonathan Autry respectfully requests that this Court supplement the record to include the attached declaration.

CLYMER MUSSER & CONRAD, P.C.

/s/ Joshua M. Autry

Joshua M. Autry, Esquire

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Dated: May 1, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on the date listed below I electronically filed the foregoing with the Court using the CM/ECF system, which sent notification of such filing to the following person(s) at the following email address(es):

David C. Gibbs
dgibbs@gibbsfirm.com

Respectfully Submitted,
Clymer Musser & Conrad, P.C.

/s/ Joshua M. Autry
Joshua M. Autry, Esquire

Dated: May 1, 2014