



(ED CV 09-1032-DDD(OPx))

Because Defendants are granted leave to file their third amended counterclaim, the Clerk is directed to terminate Plaintiff's pending motion to dismiss (ECF No. 54) and request for judicial notice (ECF No. 55) as moot.

In anticipation of Plaintiff's motion to dismiss all or part of Defendants' third amended counterclaim the Court sets forth the following briefing schedule:

- Plaintiff's motion to dismiss should be filed no later than November 3, 2010.
- Any opposition should be filed no later than November 17, 2010.
- Any reply should be filed no later than November 24, 2010.

IT IS SO ORDERED.

October 20, 2010  
Date

*s/ David D. Dowd, Jr.*  
David D. Dowd, Jr.  
U.S. District Judge