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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

JENNA MASSOLI p/k/a JENNA JAMESON,

Plaintiff,

vs.

REGAN MEDIA and JUDITH REGAN, an individual,

Defendants.

REGAN MEDIA, INC., a New York corporation, and JUDITH REGAN, an individual,

Defendants/Counterclaimants,

vs.

JENNA MASSOLI, p/k/a JENNA JAMESON, an individual,

Plaintiff/Counterdefendant,

and

JAY GRDINA, an individual,

Counterdefendant.

No. CIV 05-0854-PHX-EHC

**ORDER**

Pending before the Court is Defendants/Counterclaimants's Motion to Amend their Counterclaim. [Dkt. 44]. Plaintiff/Counterdefendant and Third-Party Counterdefendant do not oppose the Motion. [Dkt. 47]. The Second Amended

1 Counterclaim will materially change the allegations against Plaintiff/Counterdefendant  
2 and Third-Party Counterdefendant and add a new Counterdefendant. [Dkt. 45, p. 4].

3 Defendants/Counterclaimants also filed a Motion for Judgment on the Pleadings.  
4 [Dkt. 14]. Plaintiff/Counterdefendant and Third-Party Counterdefendant filed a Motion  
5 to Extend Time to file their Response to the Motion for Judgment on the Pleadings  
6 pursuant to Fed. R. Civ. P. 56(f). [Dkt. 19]. The Motion to Extend Time is fully briefed  
7 [Dkt. 26, 29, 41, 43]. A hearing on the Motion to Extend Time is set for October 3, 2005.  
8 The parties filed a Stipulation to Vacate the hearing. [Dkt. 49]. The Motion for Judgment  
9 on the Pleadings and the Motion to Extend Time are moot because the Second  
10 Amended Counterclaim will materially alter the pleadings in this case.

11 Defendants/Counterclaimants's Amended Answer and Counterclaim alleges Jay  
12 Grdina should be joined because Plaintiff/Counterdefendant's actions benefitted the  
13 marital community. Grdina is the husband of Plaintiff/Counterdefendant. [Dkt. 12, p. 5].  
14 Grdina admits he is a proper Counterdefendant. [Dkt. 17, p. 2] Grdina will be joined as a  
15 Counterdefendant.

16 Accordingly,

17 **IT IS ORDERED** that Defendants/Counterclaimants's Motion to Amend their  
18 Counterclaim is **GRANTED**. [Dkt. 44].

19 **IT IS FURTHER ORDERED** that Defendants/Counterclaimants's Motion for  
20 Judgment on the Pleadings is **DENIED** as moot. [Dkt. 14].

21 **IT IS FURTHER ORDERED** that Plaintiff/Counterdefendant and Third-Party  
22 Counterdefendant's Motion to Extend Time to file their Response to the Motion for  
23 Judgment on the Pleadings pursuant to Fed. R. Civ. P. 56(f) is **DENIED** as moot. [Dkt.  
24 19].

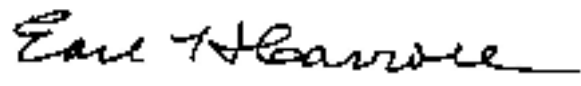
25 **IT IS FURTHER ORDERED VACATING** the hearing set for October 3, 2005 at  
26 10:30 a.m. on Plaintiff/Counterdefendant and Third-Party Counterdefendant's Motion to  
27 Extend Time.

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**IT IS FURTHER ORDERED JOINING** Jay Grdina as a Counterdefendant.

DATED this 30th day of September, 2005.



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Earl H. Carroll  
United States District Judge