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NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Peter Strojnik, an individual,)	No. CV-08-1276-PHX-SRB
Plaintiff,)	ORDER
vs.)	
Costar Realty Information, Inc.; and)	
Costar Group, Inc.,)	
Defendants.)	

Plaintiff filed a complaint against Defendants in state court on June 10, 2008. Dkt. #2-2 at 4-10. Defendants subsequently removed the action to this Court. Dkt. #1.


On July 11, 2008, Defendants filed a motion to dismiss the complaint and an alternative motion for a more definite statement. Dkt. #7. In response, Plaintiff filed an amended complaint (Dkt. #9) as a matter of course pursuant to Rule 15 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 15(a)(1) (“[A] party may amend his pleading once as a matter of course[] before being served with a responsive pleading[.]”); *Nolan v. Fitzharris*, 450 F.2d 958, 958 (9th Cir. 1971) (“A motion to dismiss is not a ‘responsive pleading’ within the meaning of [Rule 15].”) (citing *Breier v. N. Cal. Bowling Proprietors’ Ass’n*, 316 F.2d 787, 789 (9th Cir. 1963)); *Allwaste, Inc. v. Hecht*, 65 F.3d 1523, 1530 (9th Cir. 1995) (same). In light of Plaintiff’s amended complaint, the Court will deny Defendants’ motion as moot.

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IT IS ORDERED:

1. Defendants' motion to dismiss and alternative motion for a more definite statement (Dkt. #7) is **denied** as moot.
2. Plaintiff's request for oral argument is **denied**.

DATED this 7th day of August, 2008.



Susan R. Bolton
United States District Judge