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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Matthew D. Diamond; Susan E. Diamond,)

No. CV-09-1593-PHX-FJM

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Plaintiffs,

ORDER

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vs.

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One West Bank, et al.,

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Defendants.

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The court has before it defendants’ motion for leave to add additional arguments concerning their motion to dismiss (doc. 32), plaintiffs’ response (doc. 34), and defendants’ reply (doc. 35). Defendants contend that after they filed their motion to dismiss they became aware of another argument that could be case dispositive. In the interest of judicial economy we grant the motion to amend. Plaintiffs’ response to the additional argument shall not exceed 5 pages and is due no later than February 5, 2010. Defendants’ reply shall not exceed 5 pages and is due no later than February 15, 2010.

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We also have before us plaintiffs’ motion for sanctions and for hearing on their application for temporary restraining order (TRO) (doc. 17) and defendants’ response (doc. 18). The motion for hearing on the TRO is moot because the application for TRO has already been denied. See doc. 16.

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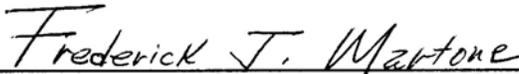
1 The motion for sanctions is without merit. Defendants have withdrawn their notice
2 that plaintiffs' ongoing bankruptcy and automatic stay bars the instant action, now
3 recognizing that the automatic stay no longer applies to the plaintiffs' residence. There is no
4 showing to support sanctions under Rule 11, Fed. R. Civ. P.

5 **IT IS ORDERED GRANTING** defendants' motion to amend its motion to dismiss
6 (doc. 32). The clerk shall file the supplemental briefing attached as exhibit 1 to doc. 32.

7 **IT IS ORDERED DENYING** plaintiffs' motion for hearing (doc. 17), and
8 **DENYING** plaintiffs' motion for sanctions (doc. 17).

9 DATED this 25th day of January, 2010.

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Frederick J. Martone
United States District Judge