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NOT FOR PUBLICATION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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Arthur Andrew Medical, Inc., an Arizona corporation,

No. CV-09-01689-PHX-FJM

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Plaintiff,

ORDER

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vs.

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Biomedic Labs, LLC d/b/a Pure Endurance, an Arizona limited liability company; Brad Custer and Olivia Custer, husband and wife,

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Defendants.

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Biomedic Labs, LLC d/b/a Pure Endurance, an Arizona limited liability company,

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Counterclaimant,

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vs.

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Arthur Andrew Medical, Inc., an Arizona corporation,

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Counter-defendant.

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Arthur Andrew Medical, Inc. brings this action against Biomedic Labs, LLC, Brad

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Custer, and Olivia Custer alleging contract and statutory claims arising out of the distribution

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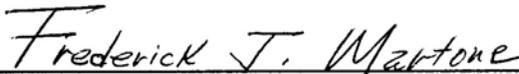
and marketing of enzyme supplements. The court has before it defendant and

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1 counterclaimant Biomedic’s motion for leave to file an amended answer and counterclaims
2 (doc. 20). Plaintiff and counter-defendant Arthur Andrew did not respond.

3 Biomedic moves for leave to amend its answer by adding a false advertising
4 counterclaim against Arthur Andrew under the Lanham Act, 15 U.S.C. § 1125(a). A party
5 may amend a pleading outside of an amendment as a matter of course “only with the
6 opposing party’s written consent or the court’s leave.” Rule 15(a)(2), Fed. R. Civ. P. We
7 will grant leave “when justice so requires.” *Id.* Biomedic filed its motion within the time
8 allowed for motions to amend the complaint under our Rule 16 scheduling order (doc. 17).
9 And Arthur Andrew did not object. Accordingly, **IT IS ORDERED GRANTING** Biomedic
10 Labs, LLC’s motion for leave to file an amended answer and counterclaims (doc. 20).

11 DATED this 29th day of December, 2009.

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16 Frederick J. Martone
17 United States District Judge
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