

1 **WO**

2

3

4

5

**NOT FOR PUBLICATION**

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Claudia Cristina Rosen,

)

No. CV-10-0584-PHX-FJM

10

Plaintiff,

)

**ORDER**

11

vs.

)

12

Community Education Centers, Inc.,

)

13

Defendant.

)

14

)

15

\_\_\_\_\_

16

17

The court has before it the parties' stipulation to extend time for defendant Community Education Centers, Inc. ("CEC") to file its responsive pleading to plaintiff's second amended complaint (doc. 54). Because plaintiff's motion for leave to file a third amended complaint is currently pending (doc. 46), the parties request an order allowing defendant CEC to wait to respond to the second amended complaint until either: (1) we grant leave to file a third amended complaint, in which case defendant would respond to the third amended complaint within the time allowed by Rule 15(a)(3), Fed. R. Civ. P.; or (2) we deny leave to file a third amended complaint, in which case defendant would respond to the second amended complaint within fourteen (14) days following entry of our order denying leave to amend.

27

Plaintiff's first complaint was filed March 15, 2010, over seven months ago (doc. 1).

28

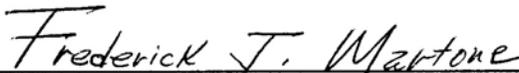
We are now approaching the deadlines set in our Rule 16 scheduling order for the disclosure

1 of witnesses and expert testimony (doc. 30). Plaintiff has already amended her complaint  
2 twice, and has moved for leave to amend a third time. Given the age of this action and the  
3 repeated attempts to amend the complaint, we cannot tolerate delay in the filing of a  
4 responsive pleading. It is time to put pleadings to rest.

5 Therefore, **IT IS ORDERED DENYING** the parties' stipulation to extend time for  
6 defendant to file its responsive pleading (doc. 54).

7 DATED this 1<sup>st</sup> day of November, 2010.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
\_\_\_\_\_  
Frederick J. Martone  
United States District Judge