

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Quantum Information Specialists; Leonard
10 J. Pearlstein; James L. McNully; and
11 Gilbert F. R. Rau,

12 Plaintiffs,

13 vs.

14 United States Department of Defense,

15 Defendant.

No. CV11-00677-PHX-DGC

ORDER

16 Plaintiffs have filed a third amended complaint (Doc. 30) pursuant to the Court's
17 October 5, 2011 order (Doc. 27). Plaintiffs have also filed a motion to remove Quantum
18 Information Specialists ("Quantum") as a plaintiff (Doc. 28), a motion for oral argument
19 on the motions (Doc. 29), and a motion requesting the status of the case (Doc. 31).

20 The third amended complaint asserts that this Court has original jurisdiction under
21 28 U.S.C. § 1331 and alleges a claim for theft of technologies under 18 U.S.C. § 1905,
22 the Fourth, Fifth, and Eleventh Amendments, and Patent Law. Doc. 30, at 2. The Court
23 finds that it has jurisdiction over this matter because Plaintiffs' claim is asserted under
24 § 1905 and the Fifth Amendment.

25 **IT IS ORDERED:**

26 1. Plaintiffs' third amended complaint (Doc. 30) is construed as the active
27 complaint, and Defendant is directed to file a response or other appropriate motions by
28 **January 13, 2012.**

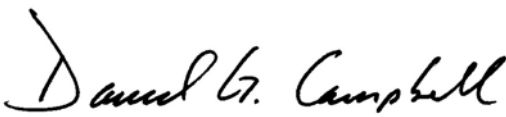
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The motion to remove Quantum as a plaintiff (Doc. 28) is **granted**. The Clerk shall remove Quantum as a party to this matter.

3. The motion for oral argument (Doc. 29) is **denied**.

4. The motion requesting the status of the case (Doc. 31) has been **granted** by entry of this order.

Dated this 19th day of December, 2011.



David G. Campbell
United States District Judge