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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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10 Michael Gould; and Lisa Funk,
11 **Plaintiffs,**

12 vs.

13 M&I Marshall & Ilsley Bank, a national
14 banking association,
15 **Defendant.**

No. CV11-1299-PHX-DGC

ORDER

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17 Plaintiffs filed suit against Defendant in state court on May 31, 2011. The
18 complaint purports to assert claims for breach of contract, breach of the implied covenant
19 of good faith and fair dealing, fraud, and negligent misrepresentation. Doc. 1-1 at 4-10.
20 Defendant removed the case to this Court on the basis of diversity jurisdiction. Doc. 1.

21 On July 7, 2011, Defendant filed a motion to dismiss the complaint pursuant to
22 Rule 12(b)(6) of the Federal Rules of Civil Procedure. Doc. 5. Plaintiffs, as a matter of
23 course, *see* Fed. R. Civ. P. 15(a)(1)(B), have filed an amended complaint. Doc. 10. The
24 motion to dismiss the original complaint therefore will be **denied as moot**.

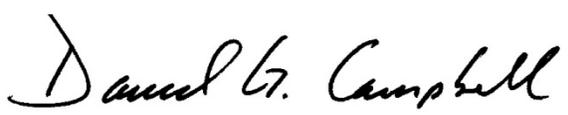
25 On August 8, 2011, Defendant filed a motion for extension of time to respond to
26 Plaintiffs' first amended complaint (Doc. 11). The motion will be **granted**. Defendant
27 shall answer or otherwise respond to the amended complaint by **August 25, 2011**. *See*
28 Fed. R. Civ. P. 15(a)(3).

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IT IS ORDERED:

1. The motion to dismiss the original complaint (Doc. 5) is **denied as moot**.
2. The motion for extension of time to respond (Doc. 11) is **granted**.
2. Defendant shall answer or otherwise respond to the amended complaint (Doc. 10) by **August 25, 2011**.

Dated this 9th day of August, 2011.



David G. Campbell
United States District Judge