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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Edward Hoyt; James Gabriel,

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No. CV 11-02184-PHX-FJM

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Plaintiffs,

)

**ORDER**

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vs.

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Michael J. Jackson,

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Defendant.

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Plaintiffs filed a motion for leave to amend complaint on July 13, 2012 (doc. 46).

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They seek to assert additional claims against the only remaining defendant, Michael J.

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Jackson. They also seek to add defendant's wife, Nata Jackson, as a defendant. On July 26,

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2012, Michael filed for bankruptcy in the United States Bankruptcy Court for the Eastern

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District of Tennessee. The court stayed all claims against him on August 1, 2012 (doc. 55).

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No response to the motion for leave to amend complaint was filed.

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Plaintiffs first filed this action in November 2009 in the Superior Court of Arizona in

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Maricopa County. Defendants removed to the United States Bankruptcy Court for the

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District of Arizona in December 2010. All claims against defendants other than the Jacksons

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were transferred to the Bankruptcy Court in Tennessee on March 10, 2011, and plaintiffs'

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remaining claims based on a personal guaranty signed by Michael were remanded. Plaintiffs

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then added Nata as a defendant, she removed, and this court dismissed her for lack of

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personal jurisdiction (doc. 17). Plaintiffs filed this motion for leave to amend on July 13,

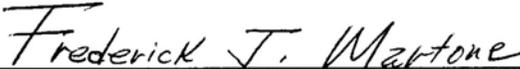
1 2012, the deadline for amending the complaint set by the court's Rule 16 scheduling order  
2 (doc. 37).

3 The plaintiffs' 76-page proposed fourth amended complaint confusingly lists 40 causes  
4 of action against 8 defendants besides the Jacksons, despite the fact that plaintiffs state in  
5 their motion that they seek only to add Nata as a defendant. The court may properly dismiss  
6 a complaint that is "prolix" and "largely irrelevant." McHenry v. Renne, 84 F.3d 1172, 1177  
7 (9th Cir. 1996). The proposed complaint is unworkable and fails to meet the standards of  
8 Rule 8(a), Fed. R. Civ. P.

9 In addition, claims cannot be added against Michael as a result of the bankruptcy stay,  
10 which prohibits the "continuation" of a judicial action against a debtor "that was or could  
11 have been commenced before the commencement of the [bankruptcy] case." 11 U.S.C. §  
12 362(a)(1).

13 **IT IS ORDERED DENYING** plaintiffs' motion for leave to amend complaint (doc.  
14 46).

15 DATED this 23<sup>rd</sup> day of August, 2012.

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18 Frederick J. Martone  
19 United States District Judge  
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