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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jesse Dupris, et al. )  
 )  
Plaintiffs )  
v. )  
Selanhongva McDonald, et al., )  
 )  
Defendants. )

NO. CV 08-8132-PCT-PGR  
CV 08-8133-PCT-PGR  
(CONSOLIDATED)

**ORDER**

Pursuant to the Plaintiffs’ Motion for Leave to File a Third Amended Complaint (Doc. 62), and good cause appearing therefor,

IT IS HEREBY ORDERED GRANTING the Motion. (Doc. 62.) Plaintiffs are advised that **this will be the last opportunity to amend their complaint.** The Court will not grant any further motions to amend the complaint. It is this Court’s objective to consider judgment on the merits whenever justifiable and there is no prejudice to the parties. The Court recognizes that Defendants have been filing dispositive motions in an effort to resolve the pending matter and they have set forth their arguments and defenses in so doing. However, such does not amount to prejudice when balancing that with the effect of dismissing a case based on failure to state a claim and not permitting leave to file an amended complaint. The Court deems most valuable decisions on the merit. That being said, in the pending matter, a Third Amended Complaint is where this Court finds justification makes its final stop.

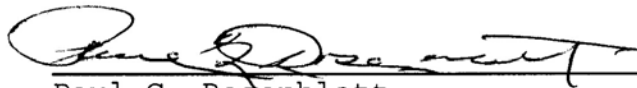
Furthermore, the Court recognizes that Defendants have previously filed two rounds of motions to dismiss. In the event that they determine a third round is necessary, the

1 motions are to be tailored to the Third Amended Complaint, and shall not duplicate the first  
2 two rounds of motions or address arguments previously addressed by the Court.<sup>1</sup>

3 IT IS FURTHER ORDERED that Defendants' pending Motions to Dismiss are  
4 DENIED without prejudice. (Docs. 50 and 51.)

5 IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to File Excess Pages  
6 is DENIED as Moot. (Doc. 57.)

7  
8 DATED this 4<sup>th</sup> day of May, 2010.

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11 Paul G. Rosenblatt  
12 United States District Judge  
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26 <sup>1</sup> The Court notes that the second round of Motions to Dismiss addressed some issues  
27 previously considered by the Court and was extremely similar to the first round of motions  
28 despite the differences evident in the complaints.