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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Wind River Resources, LLC, et al.,)
)
 Plaintiffs,)
 vs.)
 Herb Guenther, et al.,)
 Defendants.)

No. CV-09-8023-PCT-PGR

ORDER

This action was transferred to this Court from the District of Nevada. A review of the Nevada docket establishes that the plaintiff wishes to both withdraw certain claims made in the current complaint and to add a new claim. In the interests of judicial economy, the Court finds that the plaintiffs should file an amended complaint so that the parties and the Court know exactly what issues are pending in this action. The Court will permit the defendants to test the propriety of the amended complaint through motions to dismiss. Therefore,

IT IS ORDERED that the plaintiffs shall file and serve an amended complaint no later than **April 27, 2009**.¹

¹

In drafting the amended complaint, the Court expects the plaintiffs to consider any applicable defenses previously raised by the defendants, and, in addition, to consider to what extent, if any, the Noerr-Pennington immunity doctrine applies to their federal and state claims.

1 IT IS FURTHER ORDERED that the defendants shall file their answers or
2 any motions to dismiss no later than thirty (30) days after being served with the
3 amended complaint.

4 IT IS FURTHER ORDERED that Defendant Bob Frisby's Motion to Dismiss
5 (doc. #82) is denied without prejudice to being re-filed after the filing and service
6 of the amended complaint.²

7 IT IS FURTHER ORDERED that the Substitution of Attorneys for
8 Defendant Bob Frisby (doc. #80), construed as an application for substitution of
9 counsel pursuant to LRCiv 83.3(b), is granted and that Jon D. Schneider, Esq. of
10 the law firm of Schneider & Onofry, P.C. is substituted as counsel for defendant
11 Bob Frisby in place of Robert P. Molina, Esq. of the law firm of Pyatt Silvestri &
12 Hanlon.

13 DATED this 31st day of March, 2009.

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17 Paul G. Rosenblatt
United States District Judge

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24 The Court notes that defendant Frisby's motion to dismiss was filed
25 prematurely inasmuch as it was filed by substituted counsel Jon D. Schneider
26 prior to Mr. Schneider being permitted by the Court to be substituted as counsel
for defendant Frisby. See LRCiv 83.3.