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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Mary H. Lombardi, a single woman, )

No. 09-CV-8146-PCT-PGR

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Plaintiff, )

vs. )

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Copper Canyon Academy, LLC, et al., )

**ORDER**

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Defendants. )

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In light of the filing of the Motion to Amend the Complaint and yet the continued briefing on the previously pending Motion to Dismiss, on October 28, 2009 the Court ordered the parties to file a joint report advising it as to the status of the Motion to Dismiss. Although the parties filed said report, it did not shed sufficient light as to why the Motion to Dismiss should not be dismissed without prejudice to be re-filed in response to the Amended Complaint. It is clear to the Court that based upon the report, the Amended Complaint, and the Motion to Dismiss, some of Defendants' arguments can be both narrowed and withdrawn. Accordingly,

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IT IS HEREBY ORDERED that the Motion for Leave to Amend the Complaint is GRANTED. (Doc. 17.)

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IT IS FURTHER ORDERED that the Motion to Dismiss is DENIED without prejudice. (Doc. 13.)


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DATED this 18th day of November, 2009.

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Paul G. Rosenblatt  
United States District Judge